

to commission the band leaders of the Regular Army and National Guard; to the Committee on Military Affairs.

3192. By the SPEAKER: Petition of the International Union of Mine, Mill, and Smelter Workers, urging serious consideration of the Fort Peck project and its early passage; to the Committee on Rivers and Harbors.

3193. By Mr. CURLEY: Petition of the Board of Estimate and Apportionment of the City of New York, urging enactment of the Allen-Schwollenbach bill to rescind and stop cuts on Works Progress Administration; to the Committee on Appropriations.

3194. Also, petition of the Young Men's Christian Association of the City of New York, urging adoption of the Allen-Schwollenbach bill providing for the reinstatement of needy persons dismissed from the Works Progress Administration who have not found employment in private industry; to the Committee on Appropriations.

3195. Also, petition of the Domestic Workers Union League, Local 149, New York City, urging enactment of the Allen-Schwollenbach bill; to the Committee on Appropriations.

3196. Also, petition of Local 802, American Federation of Musicians, endorsing the Allen-Schwollenbach bill for the reinstatement of needy persons dismissed from the Works Progress Administration who have not found employment in private industry; to the Committee on Appropriations.

3197. By Mr. COLDEN: Resolution adopted by the Board of Supervisors of the County of Los Angeles, Calif., on the 3d day of August 1937, appealing for aid to those who are being dropped from Works Progress Administration rolls and who are suffering additional hardships because of increased rentals, and urging that a low-cost housing project be established in the county of Los Angeles, and that the Wagner-Steagall housing bill be passed; to the Committee on Banking and Currency.

3198. By Mr. PFEIFER: Petition of the Merchants' Association of New York, concerning House bill 8129, to amend the Motor Carrier Act of 1935; to the Committee on Interstate and Foreign Commerce.

3199. Also, petition of the American Federation of Labor, Washington, D. C., urging support of the wage and hour bill; to the Committee on Labor.

3200. Also, petition of the National Coal Association, Washington, D. C., concerning the Black-Connery Labor Standards Act; to the Committee on Labor.

3201. Also, petition of the New York State Association of Manufacturing Retail Bakers, New York City, concerning the wage and hour bill (H. R. 7200); to the Committee on Labor.

3202. Also, petition of the Brotherhood of Railroad Station Porters, Philadelphia, Pa., concerning the Fair Standards Labor Act (S. 2475); to the Committee on Labor.

3203. Also, petition of the Department Store Employees Union, Local, No. 1250, New York City, concerning the Schwollenbach-Allen joint resolution; to the Committee on Appropriations.

3204. Also, petition of the Domestic Workers' Union, Local 149, American Federation of Labor, New York City, concerning the Schwollenbach-Allen joint resolution; to the Committee on Appropriations.

3205. Also, petition of the Board of Estimate and Apportionment, City of New York, endorsing the Schwollenbach-Allen joint resolution; to the Committee on Appropriations.

3206. Also, petition of the State of New York, Department of Taxation and Finance, Albany, concerning income-tax laws; to the Committee on Ways and Means.

3207. Also, petition of the American Federation of Musicians of the United States and Canada, Newark, N. J., concerning House bill 4947 and Senate bill 2369; to the Committee on Appropriations.

3208. By Mr. KEOGH: Petition of the New York State Association of Manufacturing Retail Bakers, New York City, concerning the wage and hour bill (H. R. 7200); to the Committee on Labor.

3209. Also, petition of the Brotherhood of Railroad Station Porters, Philadelphia, concerning the wage and hour bill; to the Committee on Labor.

3210. Also, petition of the Board of Estimate and Apportionment, City of New York, concerning the Schwollenbach-Allen joint resolution; to the Committee on Appropriations.

3211. Also, petition of the Department Store Employees Union, Local 1250, New York City, concerning the Schwollenbach-Allen joint resolution; to the Committee on Appropriations.

3212. Also, petition of the United Hospital and Medical Workers, Local 413, New York City, concerning the Schwollenbach-Allen joint resolution; to the Committee on Appropriations.

3213. Also, petition of the Domestic Workers Union, Local 149, American Federation of Labor, New York City, concerning the Schwollenbach-Allen resolution; to the Committee on Appropriations.

3214. Also, petition of the Merchants Association of New York, concerning amendment to the Motor Carrier Act of 1935 (H. R. 8129); to the Committee on Interstate and Foreign Commerce.

3215. Also, petition of the American Federation of Musicians of the United States and Canada, Newark, N. J., concerning House bill 4947 and Senate bill 2369; to the Committee on Military Affairs.

3216. By Mr. LUTHER A. JOHNSON: Petition of Pat E. Hooks, Itasca; H. E. Chiles, A. N. Robertson, and C. C. Pruitt, of Hillsboro; and J. E. Hintz, F. E. Groover, and B. R. Manning, of Mexia, all of the State of Texas, opposing the Black-Connery wage and hour bill; to the Committee on Rules.

3217. Also, petition of H. E. Bardwell, president of the Texas State Federation of Federal Employees, San Antonio, Tex., favoring House bill 1595, the 5-day-week bill; to the Committee on the Civil Service.

## SENATE

WEDNESDAY, AUGUST 11, 1937

(Legislative day of Monday, Aug. 9, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day, Tuesday, August 10, was dispensed with, and the Journal was approved.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7642) to authorize the completion, maintenance, and operation of the Bonneville project for navigation, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MANSFIELD, Mr. GAVAGAN, Mr. DEROUEN, Mr. SEGER, and Mr. CARTER were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. J. Res. 363) to authorize an additional appropriation to further the work of the United States Constitution Sesquicentennial Commission, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KELLER, Mr. SECREST, and Mr. TREADWAY were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6963. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto;

H. R. 7415. An act to increase the rates of pay for charmen and charwomen in the custodial service of the Post Office Department; and



H. R. 7950. An act to amend the District of Columbia Alcoholic Beverage Control Act.

#### ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 5969. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and

H. R. 6384. An act to liberalize the provisions of existing laws governing service-connected benefits for World War veterans and their dependents and for other purposes.

#### CALL OF THE ROLL

Mr. LEWIS. Mr. President, inasmuch as we will have need of a quorum because of the measures coming before the Senate today, I suggest the absence of a quorum, and ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	La Follette	Pittman
Andrews	Copeland	Lee	Pope
Ashurst	Davis	Lewis	Radcliffe
Austin	Dieterich	Lodge	Reynolds
Barkley	Ellender	Logan	Schwartz
Berry	Frazier	Lonergan	Schwellenbach
Bilbo	George	Lundeen	Sheppard
Black	Gerry	McAdoo	Shipstead
Bone	Gillette	McCarran	Smathers
Borah	Glass	McGill	Smith
Brown, Mich.	Green	McKellar	Stelwer
Brown, N. H.	Guffey	McNary	Thomas, Okla.
Bulkeley	Hale	Maloney	Thomas, Utah
Bulow	Harrison	Minton	Townsend
Burke	Hatch	Moore	Truman
Byrd	Hitchcock	Murray	Tydings
Byrnes	Holt	Neely	Vandenberg
Capper	Hughes	Nye	Van Nuys
Caraway	Johnson, Calif.	O'Mahoney	Wagner
Chavez	Johnson, Colo.	Overton	Walsh
Clark	King	Pepper	White

Mr. LEWIS. I again announce that the Senator from Wisconsin [Mr. DUFFY] and the Senator from Georgia [Mr. RUSSELL] are absent on official duty as members of the committee appointed to attend the dedication of the battle monuments in France.

I further announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Ohio [Mr. DONAHAY], the Senator from Iowa [Mr. HERRING], and the Senator from Montana [Mr. WHEELER] are necessarily detained from the Senate. I ask that this announcement stand of record for the day.

Mr. SCHWELLENBACH. I announce that the Senator from Nebraska [Mr. NORRIS] is detained from the Senate because of illness.

Mr. AUSTIN. I announce that my colleague the junior Senator from Vermont [Mr. GIBSON] is absent on official business in connection with his duty as a member of the committee appointed to attend the dedication of the battle monuments in France.

I further announce that the Senator from New Hampshire [Mr. BRIDGES] is necessarily detained from the Senate.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

#### LOW-COST HOUSING

Mr. WALSH. Mr. President, during the debate on the so-called slum-clearance housing bill, I inserted in the RECORD a table which set forth the cost of housing projects of the Public Works Administration Housing Division. The head of that division, Mr. Gray, states that the table was not in all respects accurate, and asks me to insert in the RECORD a table which is accurate, and which sets forth the cost more definitely than the table which I used during my speech and which I had inserted in the RECORD. In order that no injustice may be done the Public Works Administration Housing Division, I ask that Mr. Gray's letter, and the table annexed to it, may be printed in the CONGRESSIONAL RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter and table are as follows:

#### FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS,

Washington, D. C., August 10, 1937.

HON. DAVID I. WALSH,

United States Senate.

MY DEAR SENATOR: My attention has been called to the publication in the CONGRESSIONAL RECORD for Thursday, August 5, on page 8288, of a table intended to show the cost of nine Public Works Administration Housing Division slum-clearance and low-rent housing projects as compared to certain other projects financed by the Reconstruction Finance Corporation and the Federal Housing Administration. This table was printed in the RECORD at your request.

I was impressed throughout the housing bill debate on the Senate floor by your sincere interest to have all the facts in connection with this measure presented in the RECORD. On several occasions you specifically made reference to your wish that the RECORD carry full information about this bill.

I am sure that it was your desire to present accurate facts and figures in this connection. However, the table of costs to which I have referred is so glaringly inaccurate, insofar as the P. W. A. Housing Division figures are concerned, that I am writing you to present the correct information. I do not know the source of your information, but it obviously is not a reliable one. Even the heading of the table, "Cost per room of buildings actually constructed", is misleading, because the table includes one of our projects in Detroit on which work on the buildings has only been started within the last 2 months, and therefore does not qualify as being "actually constructed."

I am enclosing herewith a corrected table showing the actual figures for the projects published in the RECORD. The figures in the third column, "Price per room (building only)", are based on actual contracts and commitments to date. Whereas for Boston your table shows 3,912 rooms, a building cost of \$6,124,751, and a price per room of \$1,566, the actual figures are 3,860 rooms with a building cost of \$5,441,704 and a price per room of \$1,410.

The table shows a price per room in Chicago of \$1,746. The actual cost is \$1,463. The table shows a price per room in Miami of \$1,112, whereas the actual costs were \$958. In Birmingham the table showed a price per room of \$1,318, whereas the actual cost is \$1,101. For Enid is shown a room cost of \$1,711, whereas the proper figure is \$1,306. In Omaha the table gives a figure of \$1,530 and the correct figure is \$1,280. In Detroit you show \$1,643, whereas the correct price is \$1,335.

Incidentally, the table shows Knickerbocker Village, in New York, as being financed by private capital "under Federal Housing Administration." Knickerbocker Village was financed not by F. H. A. but by the R. F. C. before F. H. A. came into existence.

Should you desire to obtain other information about P. W. A. housing projects, you may rest assured that our records are always open for your inspection and we will be glad to furnish any information you desire. Naturally the Housing Division is in a position to supply more accurate information about its projects than any other agency.

Inasmuch as someone has taken advantage of your desire to have this question thoroughly aired and understood and has supplied you with misleading data, I wonder if you would not like to have the enclosed table with correct figures printed in the RECORD.

Sincerely yours,

H. A. GRAY,  
Director of Housing  
(For the Administrator).

	Project no.	Number of rooms	Building cost (committed costs as of June 30, 1937)	Price per room (building only)	Price per unit (of 4 rooms)
Boston (Public Works Administration in depression years)	H-3302	3,860	\$5,441,704	\$1,410	\$5,640
Chicago (Public Works Administration in depression years)	H-1401	2,501	3,650,611	1,463	5,852
Do.....	(H-1408)	(1,733)	(2,586,096)	(1,492)	(5,968)
Do.....	H-1405	1,070	1,411,367	1,319	5,276
Do.....	H-1406	3,254	4,589,706	1,410	5,640
Miami (Public Works Administration in depression years)	H-4002	800	823,584	958	3,832
Birmingham (Public Works Administration in depression years)	H-2602	1,588	1,749,048	1,101	4,404
Enid (Public Works Administration in depression years)	H-5401	311	406,070	1,306	5,224
Omaha (Public Works Administration in depression years)	H-2001	1,114	1,426,311	1,280	5,120
Detroit (Public Works Administration in depression years)	H-1201	2,360	3,149,762	1,335	5,340
Do.....	H-1205	(2,827)	(3,719,371)	(1,316)	(5,264)
New York (Public Works Administration in depression years)	H-1301	5,688	8,648,485	1,520	6,080
Do.....	H-1302	1,940	2,751,754	1,418	5,672
Total		29,106	40,362,879		
Public Works Administration, Housing Division, low-cost projects, weighted average for above 13 projects	13			1,387	5,548



## PETITIONS AND MEMORIAL

The VICE PRESIDENT laid before the Senate the following concurrent memorial of the Legislature of the State of Arizona, which was referred to the Committee on Finance:

Concurrent memorial requesting additional buildings and equipment for the Veterans' Administration Facility at Tucson

To the Congress of the United States and the Veterans' Administration:

Your memorialist respectfully represents:

Because of the unsurpassed climatic advantages of its location, the Veterans' Administration Facility at Tucson is operated primarily for the treatment of tuberculosis. The capacity and resources of the institution are constantly taxed to the limit in the hospitalization of tuberculars.

It is a fact, however, well established by competent medical authority and the testimony of thousands of patients who have experienced its benefits, that the climate of southern Arizona possesses equal therapeutic value in the treatment of arthritis, neuritis, asthma, bronchitis, sinusitis, and various other diseases.

During the past year, because of the lack of adequate accommodations for their treatment, approximately 500 cases of these special types were denied hospitalization.

It is believed that every disabled veteran should have the benefit of the most favorable climatic conditions and the most effective therapeutic aids indicated for his particular type of disease to enable him to regain his health.

Wherefore your memorialist, the Senate of the State of Arizona (the house of representatives concurring), urgently recommends:

1. That the Veterans' Administration include in its budget requests an item for the construction of additional buildings at Tucson to take care of at least 200 general medical patients; that an adequate number of single rooms be provided in each ward; that each building be equipped with the most efficient dry air cooling system; and that ample facilities be provided to take care of the increased bed capacity at the hospital, including accommodations for the necessary personnel.

2. That the Congress of the United States give effect to this recommendation by the enactment of appropriate legislation.

Mr. LODGE presented petitions of sundry citizens of the State of Massachusetts, praying for the enactment of legislation to abolish the Federal Reserve System as at present constituted, and also praying that Congress exercise its constitutional right to coin money and regulate the value thereof, which were referred to the Committee on Banking and Currency.

Mr. WALSH presented resolutions adopted by the Western Massachusetts Federation of Mayors and Selectmen, at Northampton, Mass, favoring the prompt adoption and ratification, without amendment, of the Connecticut River Interstate Flood Control Compact, which were ordered to lie on the table.

## PARITY PRICES FOR COTTON

Mr. SHEPPARD. Mr. President, I present for publication in the RECORD, and appropriate reference, as part of my remarks a resolution adopted at a farmers' meeting at Amarillo, Tex., on July 28, 1937; a resolution adopted at a farmers' meeting at Waco, Tex., on July 29, 1937, and a resolution adopted at a farmers' meeting at Lufkin, Tex., on July 30, 1937, all relating to the necessity of obtaining parity prices for cotton.

The resolutions presented by Mr. SHEPPARD were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Resolution passed at farmers' meeting, Amarillo, Tex., July 28, 1937

Panhandle farmers appreciate beyond measure the great advantage to agriculture of the Triple A. Although adopted as an emergency measure, with amendments it could no doubt have been made more perfect as a permanent program. It was extremely unfortunate that the Supreme Court declared it unconstitutional. The Soil Conservation Act has furnished a splendid substitute and must be maintained at all hazards for the purpose of conserving soil fertility, but the soil-conservation program must be supplemented with additional legislation if stability is to be attained and parity prices for basic farm crops maintained.

We favor a program to provide an ever-normal granary as a matter of public interest. We insist it not be done at the expense of the producer.

Parity prices in years of normal supply must be provided for if agriculture is to absorb its share of the rising costs of industry and labor.

In years of abnormally large production direct control of surpluses must be available and a permanent system of commodity loans be put into effect as a price stabilizer.

We, therefore, favor and endorse the principles of the farmers' bill now pending in the Congress and urge upon the administration and the Congress that legislation of this type be passed at the present session of the Congress.

W. M. DECK, President.  
WALTER A. GILLESPIE, Secretary.

Resolution passed at farmers' meeting, Waco, Tex., July 29, 1937

We, the farmers of the great Cotton Belt of Texas, in mass meeting assembled, do hereby adopt the following resolution:

We favored and cooperated in the original A. A. A. and the farmers of this country were dealt a severe blow when this was invalidated by the Supreme Court.

The Soil Conservation Act has justified itself and must be maintained. To conserve the soil fertility is essential, but this alone will not solve the problem and assure the farmers a fair and reasonable income.

To insure equal opportunity with other groups the farmer must receive parity prices for his products.

Production must be adjusted in line with normal domestic and export demand.

In years of overproduction positive control of surpluses must be provided, together with commodity loans at reasonable levels.

We therefore favor the farmers' bill—H. R. 7577—now before Congress, as embodying the above principles and strongly urge its enactment by Congress at this session as protection against the recurrence of disastrously low prices for farm products.

GEORGE CLARK,  
McClennan County, Chairman.  
B. F. CHAPMAN,  
Bell County, Secretary.

Resolution passed at farmers' meeting, Lufkin, Tex., July 30, 1937

Resolved, That we, the farmers of east and southeast Texas, speaking in behalf of the farmers of more than 33 important cotton counties in Texas, note from the press with bitter disappointment that the Congress may adjourn prior to adoption of House bill No. 7577, the 1937 A. A. A. bill, also known as the ever-normal granary law. This bill meets the approval of the President, the Secretary of Agriculture, and the overwhelming majority of our farmers. It is the first proposal as compared to prices farmers are required to pay.

Industry, through the protective tariff, has for more than 100 years, enjoyed a thinly disguised subsidy, and this proposed law will bring to farmers governmental benefits to equalize this long-continued discrimination and in a measure correct this inequality. A parity price for cotton now is 17 cents and not 11.5 cents, the prevailing price. The increase in farm tenancy will be checked by fair prices for farm products.

The existing soil-conservation law is not effective to either prevent an unmarketable crop surplus or to maintain a fair price for cotton. The price of cotton has recently declined nearly 3 cents, already bringing a \$70,000,000 loss to farmers, and is still falling. Should Congress adjourn with no farm bill to sustain the price of cotton, our farmers will incur untold loss and misfortune. No Texas Member of Congress can have a more important mission than to act now on this farm bill, and failure to act may be little short of dereliction of duty.

We, therefore, bring to the attention of our officials the seriousness of the present situation and imperative necessity for immediate action, and call upon all Texas Members of Congress to vigorously work for this bill and urge that they resist every suggestion to adjourn Congress until favorable action is had.

That there be forwarded to each Texas Member of Congress a copy of this resolution and that copies be sent to Franklin D. Roosevelt, President of the United States; Henry A. Wallace, Secretary of Agriculture; Senators ALBEN W. BARKLEY and J. H. BANKHEAD; MARVIN H. JONES, chairman, House Agricultural Committee; and ELLISON D. SMITH, chairman, Senate Agricultural Committee.

EDWIN HAWES, Jr.,  
Chairman, Wharton County.  
OTHO MORRIS,  
Secretary, Rusk County.

## REPORTS OF COMMITTEES

Mr. O'MAHONEY, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 1972) giving superintendents at classified post-office stations credit for substitutes serving under them, reported it with an amendment and submitted a report (No. 1158) thereon.

Mr. MURRAY, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 2550) to permit the printing of black-and-white illustrations of United States and foreign postage stamps for philatelic purposes, reported it with amendments and submitted a report (No. 1159) thereon.

Mr. ASHURST, from the Committee on the Judiciary, to which was referred the bill (H. R. 7092) to provide for the transfer of Scotland County to the middle judicial district of North Carolina, reported it without amendment and submitted a report (No. 1160) thereon.

Mr. PITTMAN, from the Committee on Foreign Relations, to which was referred the bill (H. R. 7430) for the relief of Mary Lucia Haven, reported it without amendment and submitted a report (No. 1161) thereon.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 1609) to



credit laborers in the Postal Service with any fractional part of a year's substitute service toward promotion, reported it with amendments and submitted a report (No. 1163) thereon.

Mr. McKELLAR, from the Committee on Interstate Commerce, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

H. R. 6586. An act to regulate the transportation and sale of natural gas in interstate commerce, and for other purposes (Rept. No. 1162); and

H. J. Res. 445. Joint resolution granting the consent of Congress to a compact between the States of New York and New Jersey providing for the creation of the Palisades Interstate Park Commission as a joint corporate municipal instrumentality of said States with appropriate rights, powers, duties, and immunities, for the transfer to said commission of certain functions, jurisdiction, rights, powers, and duties together with the properties of the bodies politic now existing in each State known as "Commissioners of the Palisades Interstate Park", and for the continuance of the Palisades Interstate Park (Rept. No. 1164).

Mr. REYNOLDS, from the Committee on the District of Columbia, to which was referred the following joint resolution (H. J. Res. 171) for the designation of certain streets or avenues in the Mall as Ohio, Missouri, Oklahoma, and Maine Avenues, reported it without amendment and submitted a report (No. 1166) thereon.

Mr. AUSTIN, from the Committee on the District of Columbia, to which was referred the bill (H. R. 3406) for the relief of the Southeastern University of the Young Men's Christian Association of the District of Columbia, reported it without amendment and submitted a report (No. 1167) thereon.

Mr. RADCLIFFE, from the Committee on Commerce, to which was referred the joint resolution (S. J. Res. 162) to permit the States of Maryland, Virginia, West Virginia, Pennsylvania, and the District of Columbia to enter into a compact or agreement respecting the creation of a Potomac Valley conservancy district for the prevention or abatement of harmful pollution of the waters thereof, reported it without amendment and submitted a report (No. 1168) thereon.

Mr. POPE, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2863) to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes, reported it without amendment and submitted a report (No. 1169) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 2886) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes", approved June 3, 1916, as amended by the act of June 4, 1920, reported it without amendment and submitted a report (No. 1170) thereon.

Mr. SHIPSTEAD, from the Committee on Indian Affairs, to which was referred the bill (S. 2120) for the relief of Rev. C. G. Eidnes, reported it with amendments and submitted a report (No. 1171) thereon.

#### EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nominations of sundry officers in the Diplomatic and Foreign Service.

Mr. BLACK, from the Committee on Education and Labor, reported favorably the nomination of Clarence Poe, of North Carolina, to be a member of the Federal Board for Vocational Education (reappointment).

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Maj. Gen. Walter Perry Story, California National Guard, to be major general, National Guard of the United States.

He also, from the same committee, reported favorably the nominations of Brig. Gen. Lewis Bacon Ballantyne, New Jersey National Guard, and Brig. Gen. Harcourt Hervey,

California National Guard, to be brigadier generals, National Guard of the United States.

He also, from the same committee, reported favorably the nominations of several Medical Corps Reserve officers for appointment in the Medical Corps, Regular Army.

He also, from the same committee, reported favorably the nominations of several Infantry officers for appointment, by transfer, in the Quartermaster Corps of the Regular Army.

He also, from the same committee, reported favorably the nominations of several officers for promotion in the Regular Army.

The VICE PRESIDENT. Without objection, the reports will be received and placed on the Executive Calendar.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COPELAND:

A bill (S. 2940) to make confidential certain information furnished to the Bureau of Foreign and Domestic Commerce, and for other purposes; to the Committee on Commerce.

By Mr. GREEN:

A bill (S. 2941) for the relief of Mary, Ethel, and Richard Farrell; to the Committee on Claims.

A bill (S. 2942) for the relief of John F. H. Doyle; and

A bill (S. 2943) for the relief of James F. Feeley; to the Committee on Military Affairs.

By Mr. TRUMAN:

A bill (S. 2944) to make available to each State which enacted in 1937 an approved unemployment-compensation law a portion of the proceeds from the Federal employers' tax in such State for the year 1936; to the Committee on Finance.

By Mr. ASHURST (by request):

A bill (S. 2945) to permit appeals by the United States to the Circuit Courts of Appeals in certain criminal cases; and

A bill (S. 2946) to extend privileges of the Navy post exchanges to officials and employees of the United States Court for China; to the Committee on the Judiciary.

By Mr. BERRY:

A bill (S. 2947) to create a National Economic Board, and for other purposes; to the Committee on Commerce.

By Mr. BARKLEY:

A bill (S. 2948) for the relief of A. J. Moses; to the Committee on Claims.

By Mr. SCHWELLENBACH:

A bill (S. 2949) to validate settlement claims established on sections 16 and 36 within the area withdrawn for the Matanuska settlement project in Alaska, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. COPELAND:

A bill (S. 2950) providing for the naturalization of alien minors adopted by citizens of the United States; to the Committee on Immigration.

By Mr. LUNDEEN:

A bill (S. 2951) authorizing the State of Minnesota to acquire certain lands for highway purposes by purchase, gift, or condemnation, over and across certain lands owned in whole or in part by Indians or Indian tribes or held in trust by the United States Government for Indians, and providing for possession thereof; to the Committee on Indian Affairs.

#### CONFIDENTIAL INFORMATION, BUREAU OF FOREIGN AND DOMESTIC COMMERCE—REPORT OF COMMITTEE ON COMMERCE

Mr. COPELAND, from the Committee on Commerce, to which was referred the bill (S. 2940) to make confidential certain information furnished to the Bureau of Foreign and Domestic Commerce, and for other purposes, reported it without amendment and submitted a report (No. 1165) thereon.

#### DIVISION OF WATER POLLUTION CONTROL, PUBLIC HEALTH SERVICE—AMENDMENT

Mr. LONERGAN and Mr. BARKLEY submitted an amendment in the nature of a substitute intended to be proposed by them, jointly, to the bill (H. R. 2711) to create a Division



of Water Pollution Control in the United States Public Health Service, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

#### SUGAR QUOTAS AND TAXES—AMENDMENTS

Mr. PEPPER submitted 16 amendments intended to be proposed by him to the bill (H. R. 7667) to regulate commerce among the several States, with the Territories and possessions of the United States, and with foreign countries; to protect the welfare of consumers of sugars and of those engaged in the domestic sugar-producing industry; to promote the export trade of the United States; to raise revenue; and for other purposes, which were severally ordered to lie on the table and to be printed.

#### PLAN FOR DEVELOPMENT OF ALASKA

Mr. SCHWELLENBACH submitted the following concurrent resolution (S. Con. Res. 20), which was referred to the Committee on Territories and Insular Affairs, as follows:

*Resolved by the Senate (the House of Representatives concurring).* That the President is requested to prepare or cause to be prepared by the present departments and agencies of the Government, and within the regular appropriations of such departments and agencies heretofore made for the fiscal year 1938, and to report to the Congress within 30 days after commencement of the second session of the Seventy-fifth Congress, a comprehensive plan to be carried out over a period of approximately 10 years, for the development of the resources of the Territory of Alaska, and the expansion and development of the facilities of commerce between the United States and Alaska, and within the Territory. The plan so prepared and reported to Congress may, in the discretion of the President, embrace a statement of such works and facilities to be established in Alaska as may be desirable for national defense.

#### PAYMENT OF MILEAGE TO CERTAIN SENATE CLERKS

Mr. BONE (for himself and Mr. STEIWER) submitted the following resolution (S. Res. 175), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved,* That for each regular and special session of Congress the Secretary of the Senate is authorized and directed to pay, out of the contingent fund of the Senate, to one clerk and to one assistant clerk to each Senator and each standing committee of the Senate, mileage at the rate of 10 cents per mile for one round trip based upon the most direct route of travel by railroad between Washington, D. C., and the place, within the State of the Senator or the chairman of the standing committee by whom such clerk or assistant clerk is employed, in which is located the official residence or office of such Senator or chairman. Such payments shall be made on vouchers certified, as to the performance of the travel and incurring of expense therefor, by the respective Senators and chairmen of committees employing such clerks and assistant clerks and approved by the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate. Such vouchers may be submitted subsequent to the performance of the travel or any part thereof.

#### THE DEMOCRATIC PARTY, INDIVIDUAL INITIATIVE, AND PRIVATE ENTERPRISE—ADDRESS BY SENATOR SHEPPARD

[Mr. CONNALLY asked and obtained leave to have printed in the RECORD an address on the subject of The Democratic Party, Individual Initiative, and Private Enterprise, delivered by Senator SHEPPARD at the Democratic harmony dinner given in honor of the senior Senator from Kentucky [Mr. BARKLEY] on Aug. 10, 1937, which appears in the Appendix.]

#### ADDRESS BY HON. JAMES A. FARLEY AT OCONOMOWOC, WIS.

[Mr. MINTON asked and obtained leave to have printed in the RECORD an address delivered by Hon. James A. Farley, Postmaster General, at the dedication of the new Federal building, Oconomowoc, Wis., on July 27, 1937, which appears in the Appendix.]

#### PEACE IN THE EAST—LETTER BY MAJ. GEN. WILLIAM C. RIVERS

[Mr. NYE asked and obtained leave to have printed in the RECORD a letter from Maj. Gen. William C. Rivers, U. S. Army, retired, on the subject of Peace in the East, printed in the New York Times of the issue of Sunday, June 20, 1937, which appears in the Appendix.]

#### CONDITIONS AFFECTING POULTRY PRODUCERS

[Mr. WALSH asked and obtained leave to have printed in the RECORD correspondence between Senators from the New England States and the Department of Agriculture with re-

spect to feed supply and other matters of interest to poultry producers, which appears in the Appendix.]

#### PRODUCTION AND USE OF HELIUM GAS

The Senate resumed the consideration of the bill (S. 1567) to amend the act entitled "An act to amend the act entitled 'An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes.'"

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. LOGAN] to the amendment reported by the committee.

Mr. THOMAS of Utah. Mr. President, just before the Senate recessed last evening I had finished a brief statement giving the history of the bill which is now before the Senate. This morning I should like to take up the bill section by section, because there are not only many questions which I am sure will be asked but because there are real controversial points in regard to governmental policy in this bill.

The first section provides, in part, that the Secretary of the Interior, through the Bureau of Mines, in order to conserve, produce, and sell helium gas, may acquire lands, interests therein, or options thereon. Stipulation is made that any acquisition by purchase of properties developed or constructed for helium production by private parties prior to the passage of this measure shall be at a price or prices recommended to be fair and reasonable by a board of three appraisers, the members of which board shall be selected as follows: One by the Secretary of the Interior, one by the owner of the properties sought to be acquired, and one by the two appraisers so selected.

This provision refers primarily to the acquisition by the Government of the major private property which is now in existence. If the policy of this bill becomes the policy of the Government, the acquisition of this property will virtually make the production and control and the sale of helium a Government monopoly.

There is at this time one private helium company in the United States, which company has its headquarters at Louisville, Ky., and which owns helium properties in Kansas and Colorado. When the committee had before it the proposal to give the Government the power to sell helium, it gave careful consideration to the rights and interests of this private company, which has been in the helium business since 1927. Unquestionably, the granting to the Government of the power to sell helium would result in putting out of business the one private producer of helium in this country. The committee was confronted with the problem of seeking an equitable solution of this situation. The private company indicated its willingness to sell its helium properties to the Government. It is believed that inasmuch as the Government already has a virtual monopoly of helium, due to helium resources acquired between 1927 and 1933, the monopoly should be made complete especially in view of the proposed change in policy to permit the Government to sell helium. In accordance with the provision already noted relating to the acquisition by purchase of properties developed or constructed for helium production by private parties prior to the enactment of this measure, the acquisition by purchase of this private helium company now in existence would be at a price recommended to be fair and reasonable by a board of three appraisers, one of whom, as I have said, would be designated by the Secretary of the Interior, one by the owner of the property, and one by the two appraisers so named. Under another provision of section 1 it is provided in effect that the Government shall not sell helium until this property has been acquired.

Mr. President, in the friendly negotiations between the Department of the Interior and the owners of this company fear on the part of the company immediately arose as to what would happen to them if the bill should become a law and the Government were given the right to sell helium. It was felt that under such circumstances the private helium concern would be put out of business, because the competition would be greater than the private concern could



possibly withstand. As a result a provision was inserted in the bill, and it is at this juncture that I suggest the Senate give consideration to the amendment offered by the Senator from Kentucky [Mr. LOGAN], which would change that part of the bill found on page 8, beginning in line 13 and ending in line 19.

Mr. MCGILL. Mr. President before the Senator takes his seat may I submit an inquiry with reference to subdivision (a), page 7? Is subdivision (a) the existing law?

Mr. THOMAS of Utah. Subdivision (a) is not in keeping with the words of the existing law, but the spirit is the same.

Mr. MCGILL. Will the Senator explain what changes are made? I was of the opinion that subdivision (a) is existing law, but that subdivisions (b) and (c) contain some changes from the existing law. I should like to be advised by the Senator from Utah what the changes are.

Mr. THOMAS of Utah. The law which exists today provides for the leasing of helium; but that law does not contemplate a governmental monopoly. The proposed law would provide for the sale of helium and it would also give to the Government a virtual monopoly of helium. Those are the differences stated in a few words.

Mr. MCGILL. The provision giving the Government the right to acquire the helium properties is the substantial difference from existing law?

Mr. THOMAS of Utah. The right granted in the original law to acquire is still retained, but under the theory of the bill now before the Senate it would be almost incumbent upon the Bureau of Mines to attempt to acquire all helium properties that may be in existence in the United States. The provisions of the bill, if enacted into law, would make that possible.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Kentucky [Mr. LOGAN] to the amendment of the committee in the nature of a substitute, which will be stated.

The LEGISLATIVE CLERK. In the amendment of the committee it is proposed, on page 8, beginning in line 3, to strike out:

Any acquisition by purchase of properties developed or constructed for helium production by private parties prior to the passage of this amendatory act shall be at a price or prices recommended to be fair and reasonable by a board of three appraisers, the members of which shall be selected as follows: One by the Secretary of the Interior, one by the owner of the properties sought to be acquired, and one by the two appraisers so selected: *Provided*, That as to any such properties not acquired within 6 months from date of this act, the Secretary of the Interior shall proceed by condemnation to acquire such properties; and prior to the acquisition thereof the Federal Government shall not sell helium as authorized under section 3 (b) of this act, so long as helium may be procured for medical, scientific, or commercial use, including inflation of passenger-carrying airships, at reasonable prices from the operators of such developed or constructed properties.

And to insert the following:

The Secretary of the Interior is hereby directed, if possible under the terms hereof, to acquire by purchase all properties developed or constructed by private parties prior to the passage of this act for helium production, such purchase to be at a price or prices recommended to be fair and reasonable by at least two of a board of three appraisers, the members of which shall be selected as follows: One by the Secretary of the Interior, one by the owner of the properties sought to be acquired, and one by the two appraisers so selected. The Secretary of the Interior is authorized to incur obligations and enter into agreements for the purchase of such properties, and every such agreement shall be deemed a contractual obligation of the Government for the payment of the cost thereof, such payment to be made from any appropriations hereafter made for such purpose. Prior to the date of execution of an agreement or agreements for the purchase of such properties, the Government shall not sell helium as authorized in section 3 (b) of this act: *Provided*, That the foregoing restriction upon the sale of helium by the Government shall be inoperative in the event that (1) the owner of any such properties shall refuse or neglect to appoint an appraiser within 30 days after approval of this amendatory act, or (2) the owner of any such properties having so appointed an appraiser shall refuse or neglect to execute an agreement or agreements for the sale thereof, at a price recommended by at least two members of the board of appraisers, within 30 days after said appraisers shall have recommended such price.

Mr. BORAH. Mr. President, with reference to the amendment offered by the Senator from Kentucky [Mr. LOGAN] I

desire to offer an amendment, on page 8, line 9, to strike out the words "one by the owners of the property sought to be acquired" and insert "one by the Secretary of the Treasury." I do not like the idea of the owners of the property sitting upon a board to fix and determine the price of the property which the Government is to buy. Therefore I think we should make up the board from other sources than from among the property owners themselves. Accordingly I move to strike out the "one by the owners of the property sought to be acquired" and insert "one by the Secretary of the Treasury"; so that it would read:

One by the Secretary of the Interior, one by the Secretary of the Treasury, and one by the two appraisers so selected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Idaho to the amendment offered by the Senator from Kentucky.

Mr. LOGAN. Mr. President, the Senator from Idaho has offered an amendment to the amendment offered by the Senator from Kentucky, as I understand.

The VICE PRESIDENT. The parliamentary status is that the committee reported a substitute for the original bill. The Senator from Kentucky offered an amendment to that substitute. The Senator from Idaho now offers an amendment to the amendment offered by the Senator from Kentucky. The question is on the adoption of the amendment offered by the Senator from Idaho to the amendment of the Senator from Kentucky.

Mr. LOGAN. If I understood correctly, the Senator from Idaho is suggesting that the board to appraise the property shall be composed of three members, one to be appointed by the Secretary of the Interior, one by the Secretary of the Treasury, and another by the two appraisers so selected. I see no objection to the amendment.

The VICE PRESIDENT. Without objection, the amendment of the Senator from Idaho to the amendment of the Senator from Kentucky is agreed to.

Without objection, the amendment of the Senator from Kentucky, as amended, is agreed to.

Without objection, the substitute reported by the committee, as amended—

Mr. BORAH. Mr. President, just a moment. I desire to offer a further amendment. On page 12, line 9, after the word "exportation" and the period, I move to insert the following:

The National Munitions Control Board shall report on January 1 of each year all sales of helium made to foreign governments or to the citizens of foreign governments, giving the amount sold and to whom sold.

Mr. THOMAS of Utah. Mr. President, I believe the spirit of that amendment is already in the bill, though probably not in the exact words suggested by the Senator from Idaho. There is a provision in the bill that the National Munitions Control Board shall make a report annually.

Mr. BORAH. I want the bill to provide specifically for a report upon sales to foreign governments and to citizens of foreign governments.

Mr. THOMAS of Utah. There is no objection at all to the amendment of the Senator from Idaho, because it is in keeping with both the spirit of the bill and what we thought were the words of the bill.

Mr. LA FOLLETTE. Mr. President, will the Senator from Idaho yield?

Mr. BORAH. Certainly.

Mr. LA FOLLETTE. I suggest to the Senator from Idaho a modification of his amendment so as to provide that a report shall be made once every 6 months, on January 1 and July 1 of each year, in order that we may have current or nearly current information as to the amount of the stocks of helium which are being accumulated.

Mr. BORAH. I accept the suggestion of the Senator from Wisconsin.

Mr. THOMAS of Utah. Mr. President, again I say there is no objection either to the wording suggested by the Senator from Idaho or the wording suggested by the Senator from Wisconsin. I think those very provisions are made in the act of May 1, 1937, and, through the operation of that



act, Congress would be given a report, not only as to helium but as to anything else produced under like conditions. To make it just as sure with reference to helium, I shall be happy to adopt the suggestion of the Senator from Idaho.

The VICE PRESIDENT. The Senator from Idaho has modified his amendment. The amendment, as modified, will be stated.

The LEGISLATIVE CLERK. On page 12, line 9, after the word "exportation" and the period, it is proposed to insert:

The National Munitions Control Board shall report, on January 1 and July 1 of each year, all sales of helium made to foreign governments or to the citizens of foreign governments, giving the amount sold and to whom sold.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Idaho, as modified, to the amendment of the committee in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. LODGE addressed the Chair.

The VICE PRESIDENT. Has the Senator from Utah concluded? If so, the Senator from Massachusetts desires recognition.

Mr. THOMAS of Utah. If the Senator from Massachusetts is going to speak in regard to the first section of the bill, which has to do with the creation of the Government monopoly, I think this is the best time for him to do so.

Mr. LODGE. Mr. President, I prefer to let the Senator from Utah make his statement and explanation, and then I shall make mine.

Mr. COPELAND. Mr. President, will the Senator from Utah yield?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from New York for a question?

Mr. THOMAS of Utah. I yield.

Mr. COPELAND. I have a very strong urge in my heart this morning to make a speech. When will it interfere least with the Senator from Utah for me to do so? I shall speak probably 15 or 20 minutes.

The VICE PRESIDENT. If the Senator from Utah yields to the Senator from New York, the Chair will recognize the Senator from Utah after the conclusion of the remarks of the Senator from New York.

Mr. THOMAS of Utah. I have no objection to listening to the speech of the Senator from New York under those conditions; and I yield for that purpose.

The VICE PRESIDENT. The Senator from Utah yields the floor, and the Senator from New York is recognized.

#### PARTITION OF PALESTINE

Mr. COPELAND. Mr. President, on July 2 I called the attention of the Senate to a rumor that Palestine was to be partitioned by the British, in contravention of our treaty and the treaty obligation resting upon Great Britain to consult us regarding any action in Palestine. Since that time the Royal High Commission has reported to the Parliament, and the Parliament has taken up with the League of Nations the question of the further partitioning of the Holy Land.

I again call the attention of the Senate to the fact that on the 3d of December 1924 a treaty was signed between the United States and Great Britain. This recited all the terms of the mandate worked out by the League of Nations, making the United States a party to that agreement. I wish that fact to be borne in mind by the Senate, because I can foresee a distressing international episode which may require some serious thought on the part of the American people and of the American Congress.

This morning I find in the press an article by Rabbi Myer Berlin, an outstanding Jew, president of one of the Jewish world organizations. It is in the form of a dispatch from Zurich, Switzerland, calling attention to the split in Palestine. The writer of the article states that this partitioning would be needless if England did its duty. With that statement I am in the fullest accord.

Last year, about a year ago now, the Senator from Vermont [Mr. AUSTIN], the then Senator from Delaware, Mr. Hastings, and I went on an unofficial mission to Palestine. We were

there during the Arab-Jewish War. Wherever we traveled throughout Palestine we found dugouts and sandbags and barbed-wire entanglements. There was all the appearance of war, and there actually was war. We heard the explosion of bombs and rifle shots daily, and we saw the victims of the various atrocities in the hospitals of Palestine.

Mr. President, to me the pending proposal of the British Government is outrageous. It was only a few years ago that England induced the League of Nations to agree to the transfer to the Arabs of the territory east of the Jordan, leaving the territory west of the Jordan—the old Palestine, with Jerusalem as its head city, of course—to be the national home of the Jews. The territory west of the Jordan is a small country, about the size of Vermont or New Hampshire. It was expected that there should be permitted to immigrate to that country thousands and thousands and even millions of Jews who are now oppressed in the various parts of the world.

Under this new plan of partitioning the Jews will be given a little strip at the north of Palestine, including, as I read it—a very doubtful inclusion at that—the harbor of Haifa, which is the finest harbor in the Near East, built by Jewish money. It leaves to the Jews the northern part of Palestine, from Haifa across to the Sea of Galilee; and the Valley of Sharon, running down the west coast as far as Tel Aviv. Tel Aviv is a modern Jewish city of 175,000, which immediately adjoins ancient Joppa.

The British reserve to themselves a corridor running across from Joppa, along the line of the railroad and of the highway to Jerusalem, and including Jerusalem and Bethlehem. Then all the territory south of that corridor, and all the rest of Palestine, is to be turned over to the Arabs and added to the Trans-Jordania section.

At best, the amount of territory in Palestine was limited in area. Our unofficial commission reached the conclusion that it might be capable of maintaining a population of 5,000,000. But the proposed area, the little bit of a territory, smaller than the tiny but important State of Delaware, which is to be left to the Jews, is insufficient to maintain any considerable Jewish population.

Mr. President, there is in session at Zurich, Switzerland, the World Zionist Congress. In that Congress is Rabbi Stephen S. Wise, president of the Zionist organization of America. I read in the New York Times of Monday the ardent plea of Rabbi Wise that there may be found a way to thwart the British plan to divide Palestine; and I find here this language:

Britain may decree partition, and the Jews may have to bow; . . . but there could be one thing worse than partition by Britain, and that is assent by the Jewish people.

Then he went on to declare that the Royal Commission's argument was that partition was necessary because of the Arab-Jewish deadlock; and then Dr. Wise said:

To affirm the deadlock and to act upon that deadlock by the creation of two independent states grows out of Britain's unwarranted assumption that there is bound to be warfare between Jew and Arab in Palestine without regard to the fact that the assumption is one of the surest ways of evoking conflict.

What after all, is supposed to be the chief object of partition? Peace between Jew and Arab. There could be no surer way of postponing and averting Jewish peace with the Arabs than to create a tiny Jewish state in which Arabs will almost equal the Jews in number, and next to it have a purely Arab state.

I am in the fullest accord with that statement. I can see no reason why the British, if they had the heart to do it, and the spirit to do it, and the will to do it, might not quiet the uprisings and the insurrections in Palestine. Responsible for the outrages, I suppose there are not a thousand bandits, perhaps not more than 500 of them. I said the other day that a thousand New York policemen could put down the uprising in 2 weeks, and I believe it. Unfortunately, there has been no apparent disposition and no visible effort on the part of the British to do justice to the people living in Palestine.

In this world congress going on in Zurich there are two factions—the faction taking the view of Rabbi Wise that the Jews should stand out against the British proposal, and another faction of Jews who are fearful that if they do not



accept this proposal of the British they will lose all their rights in Palestine.

In short, there is no disagreement among the Jews in that conference, as I understand, and no difference among the Jews of the world that Britain should do its duty in Palestine. I am here as a competent witness, I am sure, to the fact that Britain has not done her duty there.

I should not venture to speak of these things in the Senate except for the fact that we have the treaty to which I have referred. There is a clause in that treaty, article 7, which I shall quote. Bear in mind, if I may repeat, that this treaty contains all the language of the mandate, which on order of the high command, the war council, after the war, directed the League of Nations to prepare. Great Britain was determined upon as the mandatory, and has been attempting, or pretending to attempt, to carry out the terms of the mandate as written by the League of Nations. Of course, we are not in the League, but afterward, in 1924, we did enter into a treaty where the identical language of the mandate is recited, and article VII provides:

Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited above unless such modification shall have been assented to by the United States.

We have not assented to any modification of the mandate. But apparently regardless of the fact that we have a part in determining what shall be done in Palestine, Great Britain has absolutely disregarded the United States.

Mr. President, I said the other day that I have no desire to have the United States go to war with Britain over this matter, but I do feel that the attention of Britain should be called to our views. I shall present a series of resolutions which I shall ask to have referred to the Committee on Foreign Relations.

Before I present the resolutions, I wish to speak of another thing. There are certain countries where the Jews are having a terrible time. Probably they are having more trouble in Poland than anywhere else, but in Poland, in Germany, in Rumania, and in other countries they are having such distress as is comparable with the worst of the troubles the Jews have had during 2,000 years of distress.

I do not say this upon my own authority, but I am told—and I am speaking of it here in order that my words may have wings to reach those who are in authority—that there is a distinct animosity against the Jews upon the part of many of our consuls in the countries I have mentioned. In the granting of visas for travel to the United States the Jew is discriminated against in those offices. I speak of that, as I say, not upon my own authority, but upon information and belief, in order that the State Department may have the knowledge that someone is complaining about the treatment accorded the Jews who might come in under the quotas.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. CLARK. Is the Senator informed whether those consuls are natives of the United States, or are they natives of the countries to which they are assigned? What I am getting at is this: It seems to me that what the Senator has just outlined, if it be substantiated by an investigation of the facts, is a subject which calls for the most serious investigation and most stringent action at the earliest possible date.

Mr. COPELAND. I wish to say, in reply to what the Senator has said, that through my lifetime I have traveled this world pretty generally, as has the Senator from Missouri. I have observed many United States consuls, native-born Americans, most of them, located in foreign posts, who have been there so long that they have forgotten there is a United States so far as their hearts and spirits go. If I had my way, I would bring back to the United States at least once in 3 years every consul located abroad, in order that he might live here 3 or 4 months and absorb some of the old American spirit. But that, perhaps, is aside from the question.

Mr. President, I feel very earnestly about this matter. I have taken an interest in the Jewish question through many

years. Where I was born there were no Jews. I never saw a Jew until I went to college, and then I went to New York, where live one-seventh of all the Jews in the world. They attracted my interest. I know their sentiment about this matter. I know how deeply they feel.

In view of the unanimous passage through the Congress of the Balfour declaration years ago, and the existence of the treaty between Britain and the United States, we cannot disregard, we have no right to disregard, the rights of Jews in the Holy Land. I think they should be aided in their desire to go there. There is room for four or five million of them. Under the mandate they are permitted to buy lands, and public lands which are not required by the Government itself should be turned over to them, according to the terms of the mandate. But there has been discouragement of immigration. At one time actually an end was made of immigration of Jews, and no encouragement on the part of the British is given to the Jews to go to Palestine from various countries. Millions of dollars of American money and contributions from other sections of the world have gone to the erection of fine buildings, fine hospitals, fine schools, the great harbor I have mentioned, one of the finest hydroelectric power plants in the world, all built with Jewish money. In view of the rights they possess, it is incumbent upon the Congress of the United States, in my judgment, to express to them some degree of sympathy in their plight.

Mr. President, I submit a resolution and ask to have it read.

The PRESIDENT pro tempore. Without objection, the clerk will read the resolution.

The legislative clerk read the resolution (S. Res. 174), as follows:

Whereas the Zionist World Congress is now in session in Zurich, Switzerland, discussing the pros and cons of the British proposal to perform a surgical operation upon Palestine, partitioning the territory into three parts, leaving to the Jews territory not in excess of one-quarter the area west of the Jordan; and

Whereas there is a difference of opinion in the Zionist Congress as to what attitude it should take, Rabbi Wise opposing the partitioning and some of the other delegates expressing an inclination to accept the proposal for fear that otherwise the Jews may hazard all their privileges in Palestine; and

Whereas the United States entered into a treaty with His Britannic Majesty on December 3, 1924, a treaty defining the obligations of the two Governments as regards the establishment of a Jewish national home in Palestine; and

Whereas article VII of that convention recites that no modification may be made in the terms of the mandate without the consent of the United States; and

Whereas the Senate has learned of the proposal of the British, in contravention of the existing terms of the mandate, to partition the Holy Land, giving the Jews a very limited territory: Therefore be it

*Resolved*, That the State Department be requested to transmit to the Senate such information as it may possess, and which it may properly give, regarding the present situation in Palestine. It is desired to know what steps are being taken by our Government to protect our interests under the treaty with Great Britain, and vigorously to represent to the mandatory, the British Sovereign, our anxiety over the situation, with a forthright indication of our unwillingness to accept any modification of the mandate without the knowledge and consent of the Government of the United States.

Mr. COPELAND. Mr. President, this is a matter so serious, and is so much entitled to study, that I am not going to presume to ask that the resolution be considered and adopted immediately. It deserves the study of the Committee on Foreign Relations. I know that the able chairman of that committee, now presiding over the Senate, will see that it is given attention, and I ask that we may have an early report from the committee. Certainly the Senate has a right to learn from the State Department what steps are being taken by our Government to protect our interests under the treaty to which I have referred. We have a right also to demand that the State Department shall vigorously protest to the mandatory that we are anxious about this matter. We should in some manner make clear that the United States Senate is not going to sit idly by, that it intends at least to express its sentiment regarding the effort on the part of Britain to make a scrap of paper of a solemn treaty.

Mr. President, I think I shall not add more at the moment. I thank the Senator from Utah for his courtesy in yielding to me, and I now yield the floor.



The PRESIDENT pro tempore. The resolution submitted by the Senator from New York will be referred to the Committee on Foreign Relations.

Mr. KING. Mr. President, the Senator from New York [Mr. COPELAND] has been discussing certain phases of the Palestine question, a question in which many Americans are interested. I have given some attention to the situation in Palestine and have been interested in the working out of the Balfour declaration. I visited Palestine a number of years ago in order that I might ascertain the situation existing there, and whether the Balfour declaration was being carried out in good faith by Great Britain. If I may be pardoned a personal allusion, I will say that I had the honor to be consulted by the President of the United States, Woodrow Wilson, when the Balfour declaration was being formulated. I am betraying no secret when I say that President Wilson was interested in the establishment in Palestine of a Jewish Home, and in the protection of Jews who were in Palestine, and those who would seek homes there in the future.

The Balfour declaration was devised for the purpose not only of protecting the Jews who were then in Palestine, but also for the purpose of forming a Jewish home to which the Jews who were being cruelly treated in a number of countries in the world, might find an abiding place.

I visited all parts of Palestine, including those parts inhabited by Arabs, whose members were approximately 600,000. They had made but little progress in hundreds of years and many were living in squalor and in ignorance. Thousands of Jews who have gone to Palestine during the preceding quarter of a century had, by their thrift and energy, converted waste and barren lands into fruitful fields. They had built homes and cities and developed important industries, which had given employment not only to the Jews but to many Arabs.

There was room in Palestine, including, of course, Trans-Jordan, for several million inhabitants. There was room for more than a million Jews, and they by their efforts and the contributions which would be made by members of their race, and by Christians in the United States and Europe expected to build up a great state, in which Jews and Arabs would enjoy peace and prosperity.

Mr. President, I found when I was there no bitterness between the Arabs and the Jews, except in rare instances, and that was fomented, I regret to say, not by Jews or by Arabs but by some other elements which I shall not indicate at the present time.

Mr. President, a number of years ago an organization was formed in Washington called the Pro-Palestine Foundation of America. I was honored by being made president of that organization. One of its members, then Vice President of the United States, the Honorable Charles C. Curtis, deceased, was elected vice president. The able Senator from Wisconsin [Mr. LA FOLLETTE] was a member of that organization. There were many others—Senators, Congressmen, and public-spirited men, all Christians—who were members of the organization.

It seemed to me a few days ago, when I learned of the purpose of the British Government to dishonor the pledges which had been made and to violate the obligation which had been entered into under the Balfour declaration, that a protest should be made against that course. I conferred with members of the organization referred to, and joined in preparing a statement in the nature of a protest, which was cabled to London, to be considered just before the British Parliament acted upon the report of their commission, which had contained a recommendation, based upon faulty evidence and upon imperfect understanding of the facts, that Palestine be divided into three parts. One small part was to be allocated to the Jews, the remainder to be given to the Arabs.

The plan of the British commission seems to me so unjust that I believe that Christians in the United States and elsewhere were not only justified but the situation warranted their condemnation of the commission's report. The statement was cabled to London and, as I am advised, was brought to the attention of members of the British Govern-

ment. I do not mean to say that the cabled protest deterred the Parliament of Great Britain from adopting the report made by the commission. At any rate, the report was not adopted, and the whole matter was referred to the League of Nations, and a committee of that body is now considering this entire question.

Mr. BORAH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Idaho?

Mr. KING. I yield.

Mr. BORAH. I do not understand what it was that had been referred to the League of Nations.

Mr. KING. The report made by the British commission.

Mr. BORAH. As to the division of Palestine?

Mr. KING. Yes; as to the division of Palestine.

Mr. BORAH. And is it understood that the decision of the League of Nations will be controlling?

Mr. KING. As to that I make no comment; but at any rate, if the Senator will pardon me, I will say that the opposition to the report in the Parliament was so great that the expectation of the Government that they would secure the adoption of the report immediately was not realized, and action upon it was deferred.

Mr. BORAH. I cannot understand why they sent it to the League of Nations.

Mr. KING. For the reason, if I may say so, that Great Britain has a mandate under the League of Nations and under the treaty, and for that reason, I presume, it was conceived to be proper that the League of Nations should pass upon the question before Great Britain adopted a policy that was in contravention of the obligations and provisions of the mandate under which Great Britain had control over Palestine.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. COPELAND. Mr. President, the Royal High Commission was in session in London while we were in Palestine, and appeared in Palestine as we left. I wondered whether that was a mere coincidence. We were not welcome in Palestine, so far as the British were concerned. The Senator from Vermont [Mr. AUSTIN] will testify that it took some strong, vigorous language for us to be permitted to make the inspection of the Jewish colonies and to make other trips through Palestine. We insisted that we had certain rights there, and the officials finally acceded to our wishes.

When this Royal High Commission reported in favor of the partitioning, and the report was presented to Parliament, the Liberal members of the Parliament were very critical of the proposal. Then it was agreed, as the Senator from Utah [Mr. KING] has said, that the matter should be referred to the League of Nations. I am glad the British realize that their hold upon Palestine and the mandatory power itself are dependent upon the action of the League.

Mr. BORAH. And what the League does is dependent upon the action of Great Britain.

Mr. COPELAND. Yes; that is true. That is the unfortunate part about it. So far as I am concerned, I am most resentful of the situation.

Mr. KING. Mr. President, I desire to invite the attention of the Senate, because it states the situation, to the statement cabled to London a few days ago, and before action was had upon the report of the high commission.

#### PRO-PALESTINE FEDERATION OF AMERICA APPEAL TO CHRISTIANS OF ALL DENOMINATIONS IN THE UNITED STATES

In 1917 the United States entered the World War in association with the Allied Powers, and gave of their blood and treasure in aid of the common cause.

It is not too much to say that because of the help of the United States the cause of the Allies and associated powers was triumphant. Subjugated peoples were liberated and restored to national independence. Treaties safeguarding the political integrity of smaller nations were promulgated and ratified, and historical wrongs were rectified.

An outstanding act of historical justice was the Balfour declaration through which Great Britain pledged herself to restore the holy land to the scattered children of Israel. The Palestine mandate sealed this pledge. It was ratified by 52 nations and received the unanimous endorsement of both Houses of the American Congress—



I may say, in parenthesis, that the Congress of the United States was cognizant of the Balfour declaration and expressed by their votes approval of its terms.

A special treaty, in which the Palestine mandate was incorporated verbatim, was concluded between the United States and Great Britain in 1924 by which the American Government became a party to this sacred trust.

To our profound regret the mandatory power—

#### Which is Great Britain—

is now about to embark upon a new course, which means the cancellation of all the pledges solemnly given to the Jewish people and to the world, as set forth in the mandate for Palestine. Great Britain purposes to partition the Holy Land and to surrender two-thirds of the country to a group of Arab feudal lords on the pretense that Arabs and Jews cannot live peacefully together.

This pretense is not borne out by the facts.

Jews and Arabs have lived, and could continue to live, in Palestine side by side in peace and harmony, enjoying the benefits of helpful cooperation if let alone. The disturbances in Palestine since 1921 were artificially engendered by outside influences, for which the British administration of Palestine is chiefly responsible, as attested by the report of three United States Senators who visited the Holy Land in 1936.

Moreover, from the beginning of its administration the mandatory power broke its pledge and violated its trust. In 1922 it arbitrarily tore off the sparsely settled territory east of the Jordan River and proclaimed it an independent Arab province, to which no Jews were to be admitted. This indefensible act reduced by three-fifths the area available for Jewish settlement. In addition, Great Britain restricted Jewish immigration to the rest of Palestine, but placed no restriction upon Arab immigration. The Arab population was allowed to materially increase thus adversely affecting the development of Palestine as a Jewish national home, to which the British Government had solemnly pledged itself.

The "political surgery" now proposed by the British Cabinet would be the climax of a series of what many have regarded as flagrant violations of an international trust.

To excuse this betrayal of the Jewish hope, Great Britain endorses the false assertion that Palestine is an "Arab land." History refutes this contention. Palestine belonged not to the Arabs but to the Jewish people. Less than one-twentieth of the Arab race dwell in Palestine.

Most of the Arab people have achieved national independence and now live under their own rulers which hold sway over an area of a million and a half square miles.

In proportion to their population the Arabs possess more territory than any other people on the face of the earth, whereas the Jews have not possessed since Palestine was taken from them at the time of the dispersion any territory over which they could exercise political sovereignty.

In the brief period that has elapsed since the ratification of the mandate for Palestine, Jews from all over the world have poured both their treasure and manpower into the Holy Land and transformed its barren regions into a flourishing garden. They have demonstrated their faith in Great Britain's solemn pledge and in the guarantees offered by the nations of the world, by making great sacrifices to rebuild Palestine. They have lavished their treasure and devotion upon the promised land, firmly believing that the hour of their long awaited redemption had struck; that God's promise for Zion's restoration was about to be fulfilled.

Now the British Government declares to the Jewish people and the world that four-fifths of Palestine must belong to the Arabs, a large number of whom the British brought into the country. The Palestine mandate seems to be regarded by them as another scrap of paper, and is deliberately torn into shreds in defiance of the solemn obligation assumed before the civilized world.

It was an American President—Woodrow Wilson—who cooperated in the framing of the Balfour declaration. The United States made it possible for Great Britain to receive the trusteeship over Palestine. Can it be that America will remain indifferent to the ultimate fate of that mandate in the drafting of which it had a considerable share? Not only is it America's privilege but in part her responsibility to exert her influence to prevent the proposed violation of an international covenant.

The proposed invalidation of the Palestine mandate is a grave infringement of international law. It is also a cruel act of persecution against a people to whom universal Christendom owes a long overdue debt of gratitude.

This is an opportunity for Christians to make amends for wrongs, perpetrated against the Jewish people since pagan Rome despoiled their country and forced them into nearly 2,000 years of exile.

Our appeal therefore is made to American Christians of all denominations to whom the integrity of the Holy Land is sacred, to all who believe in justice and in the sanctity of international covenants, to join in requesting of our Government such action as will prevent this tragic and disastrous calamity. Great Britain should understand that America cannot assent to a unilateral abrogation of the Palestine mandate in violation of a solemn pledge given by her to help restore Palestine to the Jewish people.

That document was signed, "Pro-Palestine Federation of America", and by myself and other members of the organization.

#### ADDITIONAL APPROPRIATION FOR UNITED STATES CONSTITUTION SESQUICENTENNIAL COMMISSION

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the joint resolution (H. J. Res. 363) to authorize an additional appropriation to further the work of the United States Constitution Sesquicentennial Commission, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ASHURST. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. VAN NUYS, Mr. BURKE, and Mr. BORAH conferees on the part of the Senate.

#### LOANS ON 1937 COTTON CROPS

Mr. CONNALLY and Mr. THOMAS of Utah addressed the Chair.

The PRESIDENT pro tempore. The Senator from Utah.

Mr. CONNALLY. Mr. President, the Senator from Texas merely wishes the floor to address the Senate for a few minutes.

Mr. THOMAS of Utah. I yield for that purpose, with the understanding that I will have the floor after the Senator from Texas concludes.

The PRESIDENT pro tempore. The Chair will try to recognize the Senator from Utah after the Senator from Texas shall have concluded.

Mr. CONNALLY. Mr. President, I send to the clerk's desk a joint resolution and ask that it be read.

The PRESIDENT pro tempore. Without objection the clerk will read as requested.

The joint resolution (S. J. Res. 205) providing for benefit payments to cotton producers with respect to cotton produced in 1937 was read the first time by its title and the second time at length, as follows:

*Resolved etc., That notwithstanding the provisions of section 32 of the act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935, as amended, the Secretary of Agriculture is authorized and directed to use any funds available under such section 32 for the payment of benefits to cotton producers with respect to cotton produced by them in 1937. All such payments shall be made on the basis of 2½ cents a pound of ⅝-inch Middling cotton, and applications for such payments shall be made under such rules and regulations as the Secretary of Agriculture shall prescribe.*

Sec. 2. There are hereby authorized to be appropriated such additional sums as may be necessary to carry out the purposes of section 1 of this act.

Mr. CONNALLY. Mr. President, I am not asking for immediate consideration of the joint resolution, but I should like to have it referred to the Committee on Agriculture and Forestry.

The PRESIDENT pro tempore. Without objection, the resolution will be referred to the Committee on Agriculture and Forestry.

Mr. CONNALLY. Mr. President, the situation in the cotton industry has reached a very critical state. I do not wish to interfere with the Committee on Agriculture and Forestry, which I understand is already considering a bill which will probably be reported today or tomorrow, with the hope of enactment at this session, but I do want the Committee on Agriculture and Forestry to consider the idea embraced in the joint resolution in connection with the bill which it is now considering.

Mr. President, in 1935, during the existence of the 12-cent loan provision on cotton there was an effort made to extend the loan for another year. At that time, however, we agreed upon a plan, which was put into operation, whereby the grower was permitted to sell his cotton on the open market and the Government would then pay him a benefit up to



12 cents. The result was very helpful, because that plan moved the cotton out of the country, whereas the loan was accumulating the cotton, the surplus was becoming larger and larger in the domestic market, and foreign producers of cotton were getting the benefit of the world market.

I wish to call the attention of Senators to the Agricultural Adjustment Act as amended in 1935. I offered and secured the adoption of an amendment, which is now section 32 of that act, which provides, as follows:

SEC. 32. There is hereby appropriated for each fiscal year beginning with the fiscal year ending June 30, 1936, an amount equal to 30 percent of the gross receipts from duties collected under the customs laws during the period January 1 to December 31, both inclusive, preceding the beginning of each such fiscal year. Such sums shall be maintained in a separate fund and shall be used by the Secretary of Agriculture only to (1) encourage the exportation of agricultural commodities and products thereof by the payment of benefits in connection with the exportation thereof or of indemnities for losses incurred in connection with such exportation or by payments to producers in connection with the production of that part of any agricultural commodity required for domestic consumption; (2) encourage the domestic consumption of such commodities or products by diverting them, by the payment of benefits or indemnities or by other means, from the normal channels of trade and commerce.

Clause (3) has been amended, so I shall not read it at this time.

Mr. President, cotton is the greatest export commodity produced in America. The cotton industry is one that cannot be considered simply from a domestic standpoint. We must export cotton. Cotton cannot receive any benefits from a protective tariff. For years it has been the theory of some of us in the cotton section that, since the cotton producer could not secure any tariff benefits on his product, but in the meantime had to pay tariff benefits to all other industries in the country, a sizable portion of the income from tariff duties should be paid to the cotton farmer so as to compensate him somewhat for the burden which he has been bearing all these years for the benefit of protected industry. It is the old idea of the agricultural debenture which twice passed the Senate in 1929, but was defeated in the House of Representatives.

It was with that idea in mind that the Senator from Texas secured the adoption of what is now section 32 of the Agricultural Adjustment Act. Last year 30 percent of the customs duties amounted to \$125,000,000. Out of that sum the Secretary of Agriculture has allocated \$20,000,000 to some other agricultural commodities for the purpose of paying them benefits and otherwise aiding the producers of those commodities. There is now in the hands of the Secretary of Agriculture \$105,000,000 which could be employed and utilized for the payment of benefits on cotton to encourage its exportation.

I am concerned not simply with getting a fair price for the producers of cotton but in getting the cotton into the channels of foreign commerce so as to discourage competition from foreign cotton producers. If we bottle up all the domestic cotton here at home and foreigners can command the world market, it will hurt not only the cotton producers but the export trade of the United States and every great industry in the United States from whom the cotton producers of the Nation purchase manufactured goods.

The resolution would authorize and direct the Secretary of Agriculture to use the fund prescribed in section 32 of the Agricultural Adjustment Act to pay to cotton producers 2½ cents per pound on 1937 cotton, basis ⅞-inch Middling.

I understand the Committee on Agriculture and Forestry have been considering and expect to report a bill either today or tomorrow. I do not know what the terms of the measure may be, but I hope the committee in considering the bill has recognized the fundamental idea embodied in the resolution, a policy which has already received the approval of Congress. It is a part of the statutory law. It is the policy of Congress under section 32 of the Agricultural Adjustment Act, which is now in force and which is being administered by the Secretary of Agriculture. There will be

no necessity, probably, to make loans if the resolution should be adopted, because the producer could sell his cotton on the market, receive the benefit payment, and the situation would be solved until such time as the Committee on Agriculture and Forestry may report a comprehensive measure.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. HUGHES. As I understand, the Senator said the substance of his resolution is already in the law?

Mr. CONNALLY. I say the policy is in section 32 of the Agricultural Adjustment Act of 1935.

Mr. HUGHES. Then, why need the Senator embrace it in the resolution?

Mr. CONNALLY. I am trying to get some action under it. I am proposing to direct the Secretary of Agriculture to do something.

Mr. President, I wish to emphasize again the importance to all America of this great export commodity—cotton—and how important it is to America to keep the export balance in the form of raw cotton, which we ship all over the world. If the present market is allowed to go to the distressing figure which is threatened, not only will cotton producers in the South be prostrate but it will have a tremendous effect in retarding the rising tide of prosperity which we hope is going to continue here in the United States.

I commend to the Committee on Agriculture and Forestry, and I commend to Senators now present in the Chamber, the idea of embodying that kind of policy in any bill which the committee may present and in any measure which the Senate may consider.

Mr. ELLENDER. Mr. President, will the Senator from Texas yield?

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Louisiana?

Mr. CONNALLY. I yield.

Mr. ELLENDER. What is the present status of the 30-percent export fund to which the Senator referred?

Mr. CONNALLY. Does the Senator refer to the 30 percent of the income from tariff duties?

Mr. ELLENDER. Would it not be necessary for Congress to pass a bill appropriating the amount?

Mr. CONNALLY. No. The Secretary of Agriculture has \$105,000,000 now available, and my resolution would authorize such additional appropriations as may be required.

Mr. ELLENDER. In addition to the 30 percent?

Mr. CONNALLY. Yes. Whatever the Secretary of Agriculture may say he needs, we can then appropriate.

Mr. ELLENDER. I understood that sometime ago the Secretary returned to the Treasury, \$20,000,000 out of this 30-percent export fund.

Mr. CONNALLY. That was from receipts of a former year.

Mr. ELLENDER. Was not that sum originally made available by way of appropriation?

Mr. CONNALLY. No; it was done under section 32, which is a yearly appropriation. I talked with the office of the Secretary of Agriculture this morning and was told that the portion of last year's customs receipts available under the Agricultural Adjustment Act amounted to \$125,000,000; that he had allocated \$20,000,000 of that sum for the payments under the Soil Conservation and Domestic Allotment Act, leaving \$105,000,000 now in his hands, available for the purpose covered by my resolution. Out of this \$105,000,000 the Secretary plans to expend \$40,000,000 for dairy products, fruits, and so forth, leaving \$65,000,000 unallotted. If that amount should be exhausted we would have to appropriate sufficient money to make up the required sum.

Mr. ELLENDER. What period of time was necessary to raise the sum of \$125,000,000?

Mr. CONNALLY. One year.

Mr. ELLENDER. What became of the moneys collected during prior years?

Mr. CONNALLY. They were utilized for benefit payments to agriculture. I do not know whether they were all used or whether a part of the fund reverted to the Treasury.



Mr. ELLENDER. Then it is the conception of the Senator from Texas that the Secretary of Agriculture, without further action by or order from Congress, can use as much as \$105,000,000 from said fund in order to relieve the cotton situation?

Mr. CONNALLY. It probably would require action such as is proposed in my resolution. My resolution not only authorizes, but directs him to do so. We are trying to stimulate the Secretary to meet the critical situation which faces the greatest agricultural export commodity in the United States and which vitally affects the trade and commerce and industry of all the people of the United States.

Mr. ELLENDER. The Congress must take action without further delay in order to relieve the cotton farmers of the South. My fear is that the Secretary of Agriculture will not have sufficient funds available from the 30 percent export appropriation referred to by the Senator from Texas. I am informed that of the \$105,000,000 now in hand, \$40,000,000 has been earmarked for payments on all commodities which do not participate in the soil-conservation program, such as dairy products, fruits, eggs, and so forth. This leaves \$65,000,000 which has not been earmarked, but which I am informed must be made available to meet the demands from rice, tobacco, peanuts, and other crops which are being hard hit at the present time. Aside from the question of fund shortage from that source, there are so many other commodities dependent on said fund that it might be difficult to have the Congress change the law. I believe the safest way to proceed is to provide for a direct appropriation. I am in hopes that the Committee on Agriculture and Forestry, that is now considering the matter, will report a bill that will protect the cotton farmers from disaster.

The question presented is a very vexing one. A safe way to proceed and one that would probably be looked upon with favor by the Congress is to provide for loans to farmers at a given minimum per bale of 500 pounds and then make subsidy payments available to all of the farmers who comply with such control legislation as may be submitted to and passed by the Congress at its next session. As far as I am personally concerned I am more than willing to remain in Washington until the problem is actually solved. I repeat, Mr. President, the cotton farmers need help now and every effort of the Congress should be put forth to provide immediate and adequate relief.

#### IMPROVEMENT OF RIVERS AND HARBORS—CONFERENCE REPORT

Mr. COPELAND submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7051) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, and 52, and agree to the same.

That the Senate recede from its amendment numbered 5.

The committee of conference recommends the transfer of amendment numbered 47 to page 23, after line 10; and the transfer of amendment numbered 48 to page 23, after line 24.

ROYAL S. COPELAND,

MORRIS SHEPPARD,

CHAS. L. McNARY,

*Managers on the part of the Senate.*

J. J. MANSFIELD,

RENÉ L. DE ROUEN,

GEORGE N. SEGER,

ALBERT E. CARTER,

*Managers on the part of the House.*

The report was agreed to.

#### PRODUCTION AND USE OF HELIUM GAS

The Senate resumed the consideration of the bill (S. 1567) to amend the act entitled "An act to amend the act entitled 'An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertain-

ing to the national defense, and to the development of commercial aeronautics, and for other purposes.'"

Mr. THOMAS of Utah. Mr. President, the second section of the bill under consideration is the one which authorizes the Bureau of Mines to carry on its functions in the control, production, and purification of helium. The section is practically consistent with the present law.

Before I pass on to section 3 I should emphasize the fact that in section 1 there is provision for the creation of a monopoly, and that if the bill becomes a law the Government will have established a monopoly in the control, production and sale of helium.

Section 3, in part, authorizes the Army and Navy and other agencies of the Federal Government to requisition helium from the Bureau of Mines and to make payments therefor from any applicable appropriations by advancing or repaying to and for the use of the Bureau proportionate shares of the expenses incident to the administration, operation, and maintenance of the Government's helium plants and properties. The point there is that the aim of the Government is to see that its helium properties are self-supporting; and, of course, when the Government uses helium, the helium-controlled property will be given credit for the helium which the Government uses.

It is in this section that the change in the law occurs, providing for the sale of helium. Under present law—the act of March 3, 1925, as amended—any surplus helium produced by the Government may, until needed for Government use, be leased to American citizens or American corporations under regulations approved by the President.

Apparently the purpose of providing in existing law that surplus helium could only be leased was to make any helium in the possession of commercial users available to the United States Government in time of need. There is in the present law, then, the spirit of monopoly in case the Government needs the products of the privately controlled helium producers. The Department of the Interior advises that leasing a commodity that is dissipated in use, such as helium, presents questions of interpretation; and in this sentence is the key to the reason for the first helium bill that was presented to Congress and put on the calendar. It was because the old leasing provisions simply did not work.

When helium was leased and used, it was discovered that much of it was dissipated—so much, in fact, that in a voyage across the Atlantic it is estimated that 5 percent of the helium would be dissipated into the air. In order that the Government might enjoy the privilege of allowing the use of its surplus helium, it is provided in the pending bill that this helium shall be sold under regulations instead of leased.

Section 3 further provides that any helium not needed for Government use may be produced and sold, upon payment in advance, in quantities and under regulations approved by the President, for the following uses: Medical, scientific, and commercial, including inflation of passenger-carrying airships. This section, therefore, is an important section and deals with the new provision in the bill.

It is stated in the text of the bill, as proposed to be amended, that such sales of helium shall be at reasonable prices, established by regulations approved by the President, based upon the cost of acquiring, developing, maintaining, and operating the Government properties used for such helium production. In order to bring about these results, so that helium production will be self-sustaining, a helium-production fund is provided for in the bill and is also found in section 3.

Section 3 also deals with the safeguards on the exportation of helium. The Senate Military Affairs Committee is unanimous in the belief that helium should not be exported for military purposes. That fact probably should be emphasized many times, because, judging from the questions which were asked yesterday, that is the thing which is upon the minds of most of the Senators.

Mr. LEWIS rose.

Mr. THOMAS of Utah. I yield to the Senator from Illinois.



Mr. LEWIS. Mr. President, I do not desire to interrupt the Senator. I was interested at this point to hear the able Senator as he moved along on that phase of the subject, as I am one of those who interrupted him yesterday in connection with that particular branch of the discussion. I merely pause to hear the Senator through, not to interrupt him.

Mr. THOMAS of Utah. While the Senator from Illinois is a signer of the minority report on the bill, I am sure he is in complete agreement with the statement that the Senate Military Affairs Committee is unanimous in the belief that helium should not be exported for military purposes. There can be no disagreement on that subject, I take it.

Mr. LEWIS. Mr. President, if I may be pardoned, that has been the particular feature of my own objection to this measure, and I am sure it is the particular feature which is of concern to the able Senator from Vermont [Mr. AUSTIN] and the able junior Senator from Massachusetts [Mr. LODGE]. We indulge the fear that by allowing helium to be passed over to a foreign government on the theory of humanity, or serving commercial uses, we shall have no power to guard against their transferring it to any other government that might wish to use it for war purposes. Thus, it was a matter of caution on my own part, and I am sure on the part of others in the minority, to prevent such helium being used for war purposes, not only by opponents of America but by those who might use it as against some country that is friendly to America.

As the able Senator from Utah correctly says, there is a general belief on the part of the whole committee that something may be done to avoid that. It is because of the fear of inability to avoid it that the minority report is filed.

Mr. THOMAS of Utah. That is true, Mr. President.

The Senate Military Affairs Committee is unanimous in the belief that helium should not be exported for military purposes. That statement I repeat. A majority of the committee, however, does recommend making helium available to persons and corporations of even other countries of the world for medical, scientific, and commercial purposes.

In view of its conviction that helium should not be exported for military purposes, the subcommittee to which this proposed legislation was referred, the committee itself, and the executive departments concerned, devoted long and careful study to the working out of adequate, detailed, and very positive safeguards relative to the exportation of helium. In fact, Mr. President, we believe that every conceivable safeguard has been provided in the bill.

Section 4 of this measure provides, in the first place, that no helium at all may be exported from the United States, or from its Territories and possessions, without a license obtained from the Secretary of State authorizing the exportation. The section sets forth two methods of obtaining a license to export helium. First, no helium gas shall be exported from the United States, or from its Territories and possessions, until after application has been made to the Secretary of State, and a license authorizing the exportation has been obtained from him on the joint recommendation of all the members of the National Munitions Control Board and the Secretary of the Interior. The National Munitions Control Board is composed of the Secretaries of State, Treasury, War, Navy, and Commerce. The Secretary of State is chairman of the board. And here, Mr. President, it will be proper for me to explain the fact that in section 4 we have what is assumed, I think, by everyone to be a rather complex method of control.

The committee itself, I think, for the most part was perfectly happy to allow the exportation of helium after license had been granted by the Secretary of State under regulations approved by the President of the United States; but to emphasize the fact that we attempted to be so careful in this matter that in no possible way could any helium be used for war purposes in a foreign land, we went to the extreme of writing into the bill the following provision:

Sec. 4. No helium gas shall be exported from the United States, or from its Territories and possessions, until after application has been made to the Secretary of State and a license authorizing said

exportation has been obtained from him on the joint recommendation of all the members of the National Munitions Control Board and the Secretary of the Interior.

That means, Mr. President, that the heads of six departments of the Government, under the direction of the President, will have to give approval for the exportation. This, I again emphasize, came about as the result of a desire on the part of the committee to see to it that no helium could possibly be used for war purposes in foreign lands.

There is a second way in which helium may be exported. Under regulations governing exportation of helium approved by the National Munitions Control Board and the Secretary of the Interior, export shipments of quantities of helium that are not of military importance as defined in said regulations, and which do not exceed a maximum to be specified therein, may be made under license granted by the Secretary of State without such specific recommendation of the members of the National Munitions Control Board and the Secretary of the Interior. It is to be noted that in exporting even small quantities of helium exportation can take place only under regulations approved by the National Munitions Control Board and the Secretary of the Interior and not until after a license has been obtained from the Secretary of State.

Furthermore, it is specifically stated in section 4 that regulations governing the exportation of helium, which are to be drafted by the National Munitions Control Board and the Secretary of the Interior, shall not permit accumulations of helium in quantities of military importance in any foreign country. That would probably answer in a satisfactory way the question which the Senator from Illinois has brought up. They shall not permit the exportation of helium to countries named in proclamations of the President issued pursuant to section 1 (a) or (c) of the Neutrality Act of May 1, 1937, while such proclamations are in effect, and such regulations shall require exporters to submit a sworn statement to the Secretary of State showing the quantity, destination, consignee, and intended use of each proposed exportation.

I may add, Mr. President, that the amendment offered by the Senator from Idaho [Mr. BORAH], as modified by the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE], and accepted, puts even a tighter restriction upon this matter by providing for a report every 6 months to the Congress of the United States.

Section 4 need not be explained more than to say that it carries a penalty provision.

Thus, I think it may be maintained, and properly maintained, that as a result of the hearings, as a result of the discussion in the committee, as a result of the desire on the part of the heads of many of the departments, and of the President himself, especially after the *Hindenburg* disaster, to make our helium available for medical, for scientific, and for commercial purposes, not only to the citizens of the United States but to the citizens of the world, we have framed a bill which will so provide, a bill protected by every safeguard which the committee could muster in the administration of the control of this great and important commodity.

Mr. LODGE obtained the floor.

Mr. AUSTIN. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Byrd	Glass	Lodge
Andrews	Byrnes	Green	Logan
Ashurst	Capper	Guffey	Loneragan
Austin	Caraway	Hale	Lundeen
Barkley	Chavez	Harrison	McAdoo
Berry	Clark	Hatch	McCarran
Bilbo	Connally	Hitchcock	McGill
Black	Copeland	Holt	McKellar
Bone	Davis	Hughes	McNary
Borah	Dieterich	Johnson, Calif.	Maloney
Brown, Mich.	Ellender	Johnson, Colo.	Minton
Brown, N. H.	Frazier	King	Moore
Bulkeley	George	La Follette	Murray
Bulow	Gerry	Lee	Neely
Burke	Gillette	Lewis	Nye



O'Mahoney  
Overton  
Pepper  
Pittman  
Pope  
Radcliffe

Reynolds  
Schwartz  
Schwellenbach  
Sheppard  
Shipstead  
Smathers

Smith  
Steinwer  
Thomas, Okla.  
Thomas, Utah  
Townsend  
Truman

Tydings  
Vandenberg  
Van Nuys  
Wagner  
Walsh  
White

Mr. LEWIS. Mr. President, I again announce the absence of the Senator from North Carolina [Mr. BAILEY], the Senator from Ohio [Mr. DONAHEY], and the Senator from Iowa [Mr. HERRING], who are necessarily detained on official business. The junior Senator from New York [Mr. WAGNER] expects to be present in the Senate this afternoon.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Eighty-four Senators having answered to their names, a quorum is present.

Mr. LODGE. Mr. President, as one of the very junior Members of this body, I dislike to detain Senators, but I feel that as one who was a member of the subcommittee which investigated this matter it is incumbent upon me to convey my views briefly to the Senate.

The bill before us raises three major questions. The first question is, Do we want to create a Government monopoly in the production of helium? The second question is, Do we want to make helium gas available to foreigners in this year, 1937? The third question is, Do we want to abdicate our own authority here in the Congress, so far as the disposition of this asset is concerned, by turning it over to the executive branch of the Government? I shall address myself to those three questions in that order.

Helium is a gas which is lighter than air and which is noninflammable. The supply is not inexhaustible.

Mr. CONNALLY. Mr. President, did the Senator say that the sources of the supply were not exhaustible?

Mr. LODGE. No; that they are not inexhaustible. In fact, there is fear that if too many holes are punched in the rock where helium is found the helium will disappear more rapidly.

The uses to which the gas is put are for the inflation of lighter-than-air craft, and, experimentally, in recent years, for the treatment of respiratory diseases.

Helium is found in useful quantities only in the United States, so far as we know, and it occurs in the States of Texas, Utah, Colorado, and Kansas, to my knowledge, and perhaps in a few other States in the western section of the country.

The bill gives the Government the power to acquire all of the helium resources which exist. By virtue of that fact it shuts out the people of Texas, Kansas, Colorado, and Utah. If the time should ever arrive when this gas could be profitably used in various kinds of scientific work, and this bill has been enacted into law, all the great sources of supply will be the property of the Government instead of being open to the citizens of the respective States for their own development.

Of course, if we are to allow the Government to sell helium from its own plant in the open market, in the way the bill provides, then naturally we must acquire the private agencies which exist, because the Government can sell much cheaper than a private agency can. For this reason the bill provides for the purchase of the Girdler Corporation, of Louisville, Ky., which I believe is the only private corporation engaged in the production of helium, and the bill provides that an unspecified amount of the taxpayers' money shall be used for that purpose.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. CONNALLY. Is it not true also that the Government cannot purchase the helium alone, because it is found in a natural gas, which requires treatment in order to convert it into helium? The Government under this bill would probably purchase many gas wells and oil wells and other properties not solely devoted to the production of helium.

Mr. LODGE. The Senator from Texas is correct. Moreover, it was brought out before the committee that in the illuminating-gas plants in those Western States at the present time the helium is taken out of the gas and allowed to be dissipated, because it cannot be used for illuminating

purposes, which bears out the Senator's point that helium is found mixed in with other substances.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. BARKLEY. That does not apply to the particular property which is involved, which was mentioned by the Senator.

Mr. LODGE. No; that is true.

Mr. VANDENBERG. Mr. President, will the Senator yield for a question?

Mr. LODGE. I yield.

Mr. VANDENBERG. Does this bill provide for an unlimited liability, or has an estimate been made as to the expense that is being incurred?

Mr. LODGE. I know of no estimate at all; and the power conferred in this bill provides for the purchase of all sources of production as they may occur.

Mr. VANDENBERG. What is the limit of expense to which such purchase may go?

Mr. LODGE. I have no idea whatever as to the expense that may ultimately be involved to the taxpayers of the United States.

Mr. THOMAS of Utah. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. THOMAS of Utah. I will answer that question. I think we have a pretty good idea of about how much it will cost the people of the United States from the experience we have already had with helium. The production of helium has been practically a self-sustaining enterprise, when considered from the standpoint of buying and selling, and it is understood by all the experts that if helium production becomes a Government monopoly not only will enough money be made from the sale of the product to take care of the purchase of any new helium deposits, so far as the Government is concerned, but that all the money required will come entirely from the monopoly itself.

Mr. LODGE. I thank the Senator from Utah for that observation. Of course, to my way of thinking that is only true up to the point that we have a market for helium, and that state of affairs will depend on to what extent helium is used. But my contention is that it is not necessary for the Government to take this step. If it were an indispensable necessity, or if an emergency were confronting us, I might feel differently; but I do not believe that it is necessary for the Bureau of Mines and for the Government to enlarge itself to this extent and take on these added expenses and these added responsibilities. I think the Members of the minority feel that it is the proper thing for the Federal Government to supply the needs of Federal agencies; but we see no particular advantage, in fact, we see a great many drawbacks, in putting the Government still further into this monopolistic activity.

I should like now to take up the second question, and that is, Do we want to export this gas in this year 1937? In the first place, I may say that if we shall pass this bill we will be deciding that we actually do want to export the gas. The bill confers the right to the departmental committee to grant licenses for export, and in a memorandum which was transmitted to the Committee on Military Affairs by the President of the United States, with his recommendation in favor of the bill, it was stated—and I quote:

It is the duty of the United States—

According to this memorandum—

as a good neighbor—

To make this helium available to foreigners for the sake of—and I quote again—  
promoting international good will.

Apparently it is our duty to make available this unique natural asset in order to promote international good will. To me the reasoning there is difficult to follow. This gas has definite military value. When we make it available to a country we confer an advantage upon that country. I cannot understand the reasoning by which the conclusion



is reached that by conferring this advantage on a country we promote good will. We certainly do not promote good will among the people who do not like that country, and I believe among many citizens within that country our act would be construed as a sign of weakness rather than as a sign of good will.

I should like to ask, what country in history which has been possessed of a unique natural asset of this kind, has ever parted with it in this way? Of course, if we were a country that owed a large debt to other foreign countries we might possibly get rid of some of this gas in payment of the debt. But, as I understand, that is not the position of the United States.

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. LEWIS. Since the able junior Senator from Massachusetts has made some allusion to disposition of the property of America in accordance with the suggestion from some official Cabinet source, or otherwise, that it would promote good neighbor association to turn this very valuable property over to a foreign nation, I will ask the able Senator, Is it understood that with respect to the nations who owe us vast sums of money, who will never pay a dollar of the principal nor pay a cent of the interest, nor even acknowledge the debt, but hold us up to scorn as those who are attempting to hold them up—are we the good neighbors who are being referred to, and is it to them that we are to transfer this gift?

Mr. LODGE. I cannot answer the Senator because I did not write this memorandum. But that is the conclusion to which the average reader would be impelled.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. LODGE. I yield.

Mr. CLARK. Is this gas inexhaustible or is it expendible? In other words, when the gas is sold does it continue to remain in existence, or is it expendible? Do those who use it have to come back for further supplies of it?

Mr. LODGE. My understanding is that, like all gases, some of it is lost as it is used, and the more helium is produced, the more holes that are punched in the geologic structure at Amarillo, Tex., where most of it is located, of course, the greater the chance of escape and waste. So on the basis of the use to which the gas has been put in recent years we have a supply that will last us a very long time. But, of course, we do not know what other uses it may be put to. Therefore the more we produce it the greater is the chance of wastage.

Mr. CLARK. Is it not a fact that we do not have an inexhaustible supply, according to the present discoveries and estimates, and that at some time in the more or less future or more or less distant future, the control of that supply of helium might be of inestimable advantage and value to the United States as a nation, and that in so much as we now sell it, or lease it, or give it away, we are diminishing the possibility or probability of having the control of a very great supply of an extremely important gas which may be of supreme importance, both to the commercial welfare of this country and to its national defense at some future time?

Mr. LODGE. I think the Senator is entirely correct.

I should now like to discuss for a minute the military value of helium. It is perfectly true, as the chairman of the subcommittee said, that the committee was unanimous in believing that there should be no export of this gas for military purposes, and it is perfectly true that the committee was unanimous in not desiring to export this gas so that it can in any way be used against the United States. And it is perfectly true that those aspirations are written into this bill, but I do not believe that the machinery is written into the bill to make sure that those objectives will be attained. I do not see how we can guarantee that this gas will not some time be used against the United States.

It is also correct that the executive departments of the Government are willing to have this authority and this responsibility placed upon them; but, of course, as we say in the newspaper business, that is not news. If a Government department wants more authority there is nothing strange about that. But it would be strange, indeed, if the Govern-

ment departments wanted to have less authority. We all understand that it is in the nature of things for the executive branch or the executive departments to be willing to take on more authority all the time.

To come now to the question of the military value of this gas. The significant thing about it is that it does not burn. It is quite true that it does not have quite so much buoyancy, it does not have quite so much lifting power, as hydrogen does. On the other hand in the case of a hydrogen-filled dirigible, if incendiary bullets are shot through it, that is the end of it. In the case of a helium-built dirigible, if incendiary bullets are shot through it it can still keep on going.

Dr. Hugo Eckener, who, I suppose, is the greatest authority on lighter-than-air navigation in the world, appeared before the committee and was asked to express himself on the question of the military feasibility of commercial dirigibles. He made a very interesting reply, which I wish the Senate would consider carefully. He said that in Europe the military significance of commercial dirigibles was of a minor nature for two reasons. The first reason, he said, is because no one in Europe has any helium. To me that is a conclusive proof of that great expert's opinion on the value of helium. The second reason as to why they were not effective military instruments in Europe is because in Europe the territory is so congested, they have so many military airplanes, that such a large target could easily be intercepted.

Then Dr. Eckener was asked his opinion as to the military feasibility of commercial airships so far as the United States was concerned, and here is what he said, in part:

I could very well imagine that in view of the geographical location of the United States, which is not surrounded by countries that have military airplanes and where you have open coast lines and wide oceans dividing you from the next country, that such ships could be possibly effectively used as instruments of scouting.

In other words, we have it straight from the mouth of the greatest living authority on the subject that dirigibles have definite military significance to a transoceanic power such as the United States.

I have tried to establish, in view of the memorandum sent by the President, that the right to export helium will definitely be used. I have tried to establish the fact that helium has a definite military value, as I think is attested by the statement of Dr. Eckener. I now wish to call the attention of the Senate to the fact that we ought to be consistent in our general attitude on the export of articles that are of military value.

We have taken a position in the Neutrality Act. We know that our constituents are filled with horror at the thought that American materials and American goods might be used in foreign conflicts. We do not want to be told that American materials are used in a military sense in Spain or in China or wherever there happens to be any outbreak. Why make this situation any more complicated? Why make this gas available at this very dangerous time in world history when we might, in view of our neutrality legislation, have to stop its export, and thereby create just one more source of friction?

The members of the minority believe that helium gas should be made available everywhere in the world for medical purposes. We want to see this gas used to preserve human life, but not to destroy it. We do not want it ever to be said that, due to the action of Congress, this gas was instrumental in helping some foreign power that was hostile to the American people. We believe that the use of lighter-than-air navigation should be developed. We do not take a narrow, nationalistic view. We believe that there are the brains and the skill and the courage in this country to develop it. We believe that we can engage foreign assistance, if it is necessary; and we believe, furthermore, that if it is the considered judgment of the American people, if it is the considered judgment of the Congress, that helium gas should be made available for other than medical purposes, the way to do it is to pass an act through the Congress.

There is not enough activity in the sale and disposition of helium to make it necessary for us to delegate this power. A bill can be introduced in the Congress, and passed, if we



want to, to make so many thousand cubic feet of this gas available to some foreign corporation or person. I am frank to say that I would vote against it; but that, to my mind, is the proper method of approaching the subject.

That concludes the observations which we of the minority have to make.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. I yield.

Mr. BORAH. The Senator has made a most excellent and illuminating statement on this subject. I wish to ask, is it true that Dr. Eckener came to this country to secure the permission of the Government to purchase helium here?

Mr. LODGE. That is my understanding.

Mr. THOMAS of Utah. Mr. President, if I may interrupt—

Mr. LODGE. I yield.

Mr. THOMAS of Utah. That surely cannot be the only reason why Dr. Eckener came to this country. I do not know why he came, but there had been a tremendous explosion on the *Hindenburg* and that ship had been burned and destroyed. He was called over here to inspect the wreck, to assist in ascertaining the causes of the disaster, and to report upon it. The movement for the use of helium for what might be called world-wide purposes and in a humanitarian way came after that explosion.

Dr. Eckener came in such haste that I remember his telling the late Senator Robinson, when he met him, that he did not have time to get an extra suit or an extra change of underwear. I am sure that if he was coming upon a mission merely for the purpose of asking our Government to sell to him or to his corporation helium he would have come a little bit more at his ease.

Mr. BORAH. I did not indicate by my question, I think, that Dr. Eckener came solely for that purpose, but that certainly was one of the subjects which he discussed when he was here.

Mr. SHEPPARD. Mr. President, will the Senator from Massachusetts permit me a word?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. I yield.

Mr. SHEPPARD. Dr. Eckener did not come before the Senate committee on his own suggestion. The Senate committee invited him, through one of his associates, to testify, in order to obtain the benefit of his great knowledge concerning helium in its relation to lighter-than-air travel.

Mr. BORAH. Mr. President, I am not indicating that I thought there was any impropriety in Dr. Eckener's conduct when he was here. I do not think, though, that there is any doubt in the mind of anyone as to what was in his mind with reference to securing helium from this country.

Mr. THOMAS of Utah. There can be no doubt that the testimony of Dr. Eckener before the committee was positive that, so far as he was concerned, he believed—these are my words, not his—that the United States owed it to the world to allow the use of helium. There is no doubt about that idea.

Mr. LODGE. Mr. President, I hear a great deal about what the United States owes to the world. I do not hear as much as I should like to hear about what some of the other nations of the world owe to the United States.

I want to emphasize, in conclusion, that this bill is not opposed because of any narrow, nationalistic view. We want to see the development of the art; we are strongly in favor of using this gas for the constructive purpose of saving human life; we do not want to see another *Hindenburg* disaster; but we also have got to think of the national defense of the United States. It is true that the *Hindenburg* disaster was a horrible one, and we want to avert any such catastrophes in the future, if we possibly can, but, in my State and the State of every other Senator, there are millions of people to whom lighter-than-air navigation will probably never be a reality. There are millions of people who cannot afford to go to Europe on a boat let alone to

go to Europe on dirigibles. We have got to think of their safety, and we have got to think of their welfare. My belief is that this is a question that Congress should decide for itself. We in Congress are the trustee for a priceless natural asset and we should conserve this God-given substance for the benefit of the American people.

Mr. AUSTIN. Mr. President, the junior Senator from Massachusetts [Mr. LODGE] has stated very ably the views of those who signed the minority report on this bill. I cannot omit this opportunity to reassert a fundamental principle which I think cannot be repeated too often in these days of attempted revolution of the American system of government.

I think that this bill has political implications and has the same tendency to corrupt our political structure as we have seen in several other great measures that have already passed the Senate and which undertook to turn over to the Government at Washington valuable rights, magnificent properties, that theretofore did not belong to the National Government, and which, by their Constitution, the people undertook to protect and to keep unto themselves and unto their own sole disposal.

I am no more in favor of turning over by this bill to the Federal Government this great natural resource of several of our separate States than I am in favor of turning over to the Federal Government the resources of water or power in New England, as we are so gently invited to do by certain measures now lying on the table in this Chamber. I do not suppose we can stop this trend, but we can stand up and let the people understand that we realize the direction of the trend.

This is not merely a bill to create a monopoly; it is a bill to absorb a natural monopoly that belongs to the several States and which the Federal Government has no right to take. I doubt the authority of Congress to absorb this natural asset of the several States; and I have no doubt whatever of the economic fallacy of the Federal Government going into business and undertaking to take over the whole and entire control of the manufacture and disposal of a very important new product whose usefulness has not as yet been fully developed.

Mr. President, I am opposed to this sort of seizure of the rights and properties of the people of this country.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the vote by which the amendment of the Senator from Idaho [Mr. BORAH] to the amendment of the junior Senator from Kentucky [Mr. LOGAN] be reconsidered. I have talked with the Senator from Idaho about it, and he has no objection to a reconsideration of the vote. The Senator from Idaho just stepped out of the Chamber.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

Mr. AUSTIN. Is it a request for unanimous consent?

Mr. BARKLEY. Yes; I have talked with the Senator from Idaho, and he has no objection to a reconsideration of the vote whereby the amendment was agreed to.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky that the vote on the amendment referred to by him be reconsidered? The Chair hears none, and the vote is reconsidered.

Mr. BORAH entered the Chamber.

Mr. BARKLEY. Mr. President, I may say to the Senator from Idaho, who has just entered the Chamber, that I had just asked and obtained unanimous consent to reconsider the vote by which the amendment which he offered to the amendment of the Senator from Kentucky [Mr. LOGAN] was agreed to.

I wish to say in that connection that it already has been stated, and it is incontrovertible, that there is only one private concern in the United States engaged in the production of helium. Whether there will ever be others, no one can tell. There has not been, and there is not now, any production by any private organization except the one corporation which happens to be located in the city of Louisville, Ky., with property in Kansas and possibly in one or two other States.



The efforts of this corporation to develop helium make a long story. The Government went into the business of developing helium. When the private corporation was organized it sold its products to the Army and the Navy. Gradually that market was taken away from the private concern, and then the Government began to sell its surplus helium product to private organizations, the result being that the market was completely taken away from the private corporation because the Government sold its helium at a price cheaper than that for which the private corporation could afford to sell, for the reason that in estimating the price the Government took no account of overhead expenses. It simply charged for the actual cost of production plus a few incidental expenses, and did not take into consideration the overhead cost which every private corporation has to consider in fixing its price.

It has been felt by the Bureau of Mines, the Interior Department, and other departments for some time that because of the peculiar nature of this substance it ought to be a Government monopoly. I think no one would feel that the Government, after having encouraged the private corporation to go into the business, ought then to take its market away and leave it completely stranded and helpless, without a market, without any opportunity to dispose of its property to other private corporations that might be engaged in the same business, because there are none.

For that reason the amendment was inserted in the bill authorizing the Government to buy the property of this private concern and make the production of helium a real Government monopoly. In fixing the price of the property the same rule was applied in the amendment that is ordinarily applied in matters of this kind. Where there is a desire of one party to sell and of another to purchase, one side names an arbitrator and the other side names another arbitrator, and the two thus chosen pick a third arbitrator. That is the rule almost universally practiced among private corporations and private parties and institutions when they cannot agree upon a price among themselves.

There is no question of disagreement here involved. The seller has no desire to fix the price. The purchaser has no desire arbitrarily to fix the price. But with a representative of each on the board of appraisers, the two representatives to select the third, they all feel that a fair estimate of the value of the property could be reached.

Therefore it seemed to me the amendment of the Senator from Idaho, which would take out of the equation entirely the owners of the property and leave them out of any consideration, and put the fixing of the price in the hands of the Interior Department and the Treasury Department, the two of them to select a third, is so one-sided as to be unfair to the owners of the property.

There could be no unfairness in the result where each side should choose a representative, the two representatives thus chosen to pick a third. If the Government, which wishes to be the purchaser, is to decide who the appraisers are to be, it seems easy to understand that while theoretically the Government would want to be fair in a matter of this kind, the Government in the capacity of a private purchaser ought not to ask that it alone be allowed to name the appraisers who are to fix the value of the property.

For that reason I hope the Senator from Idaho will not insist upon his amendment, but will allow the language to remain as it originally was in the amendment of the Senator from Kentucky.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. BARKLEY. Certainly.

Mr. LODGE. I fully agree with the Senator from Kentucky that if the Government is going to embark on the policy outlined in the bill it is a matter of simple justice to reimburse the private corporation in Louisville, Ky. There is no disagreement on that point; but Mr. Howington, of the Girdler Corporation, when he appeared before the committee, made this statement:

All we are objecting to now is to any change from this status under which we have been operating for 10 years.

In other words, he would be satisfied if we did not make all these changes in policy, and if we do make this change in policy of course we have to reimburse the Girdler Corporation.

Mr. BARKLEY. I did not hear the testimony of Mr. Howington, and it is difficult to understand from the reading of one sentence just what he was discussing. What he has contended all along is that if the Government would lead the commercial market for helium to his organization or any other private organization, then he would have no complaint to make. But after taking the Army market and the Navy market away from this corporation, the Government began to sell to commercial users of helium. The Government contracted with the Goodyear Corporation, of Akron, Ohio, for the sale of a million cubic feet of helium, which market was taken away from the Girdler Corporation. The Government has undertaken now to invade the market for the use of helium for medical purposes, which, of course, is not very large, but to that extent takes it away from the Girdler Corporation. In other words, the Government, because it produces a surplus of helium, has not been satisfied to sell it to its own departments which use helium but wants to sell it to every private user of helium and, therefore, drive this company out of business and out of the market. I do not think anyone would contend the Government ought to do that. In order that it may purchase the property, a fair machinery has been set up under the terms of the bill to fix the price of it.

Mr. BORAH. Mr. President, I suppose we all agree, under all the circumstances, that the company should be fairly treated. I dislike very much to have a portion of the board, the business of which is to fix the value of the property, made up in part of the owners of the property.

Mr. BARKLEY. Is that any more objectionable than to have the prospective purchaser of the property have a monopoly of saying what it is worth?

Mr. BORAH. If the prospective purchaser were purchasing for private interests, of course that would be entirely objectionable; but the appraisers are supposed to represent the Government, and in representing the Government it is not to be supposed that they would have any desire to be unfair to the corporation.

Mr. BARKLEY. That is a theory in which we all indulge, but when the Government is to be the purchaser not only for its own governmental purchases, but in order that it may embark on the commercial sale of helium, I think we ought to put the Government in the status in which every private individual would be placed who might want to buy the property.

Mr. BORAH. May I ask some member of the committee whether there was any indication as to the possible value of the property which is involved?

Mr. BARKLEY. I may answer that question only in part. Nobody knows the value of the property. The Girdler Corporation has invested something like \$750,000 in the property. I am satisfied the appraisers would fix some such figure as the value. What the appraisal would be I do not know, but I am satisfied it would not be exorbitant, and it would not be unfair to the Government to provide the method set up in the bill.

Mr. BORAH. I have suggested that the appraisers be appointed by the district court of the district in which the property may be located.

Mr. BARKLEY. The corporation has its residence in one State and its property is in another, or in two or three other States. The Senator would not believe that there ought to be a multiplicity of appraisers in the different States to fix the value of the property as a whole, would he? Whatever method is adopted, or whoever are to be appointed appraisers and by whatever method, one set of appraisers ought to be allowed to fix the value of the property as a whole.

Mr. BORAH. I quite agree with that. I am perfectly willing to have the district court at Louisville, where the headquarters of the corporation are, name the appraisers for the entire property. If the property is scattered about



here and there, I would not desire to have appraisers set up in each locality, but I do urge that if the owners are not satisfied to eliminate themselves as a part of the board of appraisers, then we ought to provide for a board of appraisers which would be beyond criticism either from the standpoint of the public or the private interests. It seems to me we can find an impartial person to appoint the appraisers by designating the judge of the district court. I ask the Senator from Kentucky if he is not willing to accept the district court as the appointing power?

Mr. BARKLEY. Mr. President, I am frank to say to the Senator that I think the judge of the District Court for the Western District of Kentucky would appoint fair and impartial appraisers. I should prefer to leave the language in the bill as it is, so that both sides will be represented, and they themselves may select the third appraiser.

Mr. BORAH. Mr. President, we are putting no limitation upon the amount of money which may be paid for this property. We who are supposed to represent the taxpayers of the country are turning this matter over without any control over it hereafter. Whatever amount may be agreed upon we must stand ready to pay.

It does seem to me that we ought to have, as nearly as practicable, an impartial board to pass upon this matter. Bear in mind that the party in interest does not have to take the amount of the award if he does not want to; and the Government never can get his property until they either buy it or condemn it under the principle of public use. So the party in interest is always safe. There is no way to compel him to accept the board's appraisal; and I feel that we ought to have a wholly impartial tribunal.

Mr. BARKLEY. Mr. President, if the Senator will yield there, I will say that, of course, what he says is true. At the same time, it is true that Congress must appropriate the money to pay for the property, whatever price is fixed. No authority is granted to pay out the money except when Congress appropriates it; so we have that curb over the amount that might be fixed.

Mr. THOMAS of Utah. Mr. President, I think we are making the problem a little bit larger than it is. There is in the testimony both an outside and an inside figure, and there is also testimony on the part of the Bureau of Mines that the valuations on either side are not very far apart. For example, the representatives of the Girdler Co. testified that they had an investment of around three-quarters of a million dollars. In a communication which came to the committee, it was suggested that \$600,000 might be all the money needed to obtain a monopoly so far as this property is concerned. Therefore, any appraiser of course would take into consideration the testimony that is before him under the possible limit which has been stated both by persons who indirectly spoke for the purchaser and by persons who indirectly spoke for the seller. There is a margin there of merely \$15,000.

Mr. BORAH. Mr. President, I do not understand that the value of property is fixed in any sense whatever by reason of the amount which has been put into its development. That may be an item in the question of damages, but it is only an item. That is what I suspect will take place, and I can only submit this matter to the Senate. We do not know what other properties we shall want to take control of and purchase in the course of time; and I certainly think that in the beginning of this matter we ought to establish a proper principle with reference to the board which shall pass upon that for which we have to pay.

The PRESIDING OFFICER (Mr. TRUMAN in the chair). The question is on agreeing to the amendment offered by the Senator from Idaho [Mr. BORAH] to the amendment offered by the Senator from Kentucky [Mr. LOGAN].

Mr. KING. Mr. President, I ask to have the amendment stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. The first amendment offered by Mr. BORAH was, on page 2 of the amendment offered by Mr. LOGAN, in line 2, to strike out the words "owner of the prop-

erties sought to be acquired" and insert the words "Secretary of the Treasury."

Mr. KING. Is that an amendment to the bill?

Mr. BORAH. That is an amendment to the amendment of the Senator from Kentucky [Mr. LOGAN]. May we have the amendment itself stated?

Mr. BARKLEY. In the bill it appears on page 8, line 9.

Mr. KING. That is what I was trying to ascertain.

Mr. BORAH. Mr. President, if I may be permitted, I find in the report filed with the bill this paragraph:

As there is only one commercial producer of helium in the United States, and helium cannot be secured from that source at a cost which will make it available for commercial airships and medical use, it is believed the Government would be justified in securing a monopoly of this resource. Recently before the House Committee on Military Affairs the Girdler Corporation, the only private producer, offered to sell its helium properties for approximately \$600,000. Although this price is believed to be exorbitant, it is thought that the properties can be purchased at a reasonable figure.

I do not see why the Senators interested in this matter are not willing to have appraisers appointed by the district court.

Mr. BARKLEY. Mr. President, the amendment which is pending is the amendment offered by the Senator from Idaho to eliminate the owners from any consideration in the selection of appraisers and have the Secretary of the Treasury perform that function. I hope that amendment will be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Idaho [Mr. BORAH] to the amendment offered by the Senator from Kentucky [Mr. LOGAN].

Mr. KING. Mr. President, I was called from the Chamber in connection with a public matter pending before the District of Columbia Committee, and am not familiar with the amendment or with the status of the bill at this time. If the plan proposed is that a board shall be appointed to fix the value of the property in question so that the owner of the property may be compelled, by coercive means or otherwise, to accept their appraisal, I am opposed to it.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. BARKLEY. On yesterday my colleague the junior Senator from Kentucky [Mr. LOGAN] offered an amendment to the bill setting up a board of three appraisers to fix the value of the property involved.

Mr. KING. A property or all property?

Mr. BARKLEY. A property—a property owned by the Girdler Corporation, of the State of Kentucky, which owns helium deposits in Kansas and elsewhere. It provided that there should be three appraisers, one appointed by the Secretary of the Interior, one by the owner of the property, and the two then would be authorized to select a third.

Mr. KING. Suppose the owner refuses to accede to that formula.

Mr. BARKLEY. The owner will not refuse to accede to that formula—I can guarantee that to the Senator—because there is really no controversy between the owner of the property and the Government as to procedure. They have been conferring about this matter, and they understand one another. There is no arbitrary desire on either part. The amendment offered by the Senator from Idaho eliminates the owner from any right to name one of the appraisers and authorizes the Secretary of the Interior to name one and the Secretary of the Treasury to name another, and the two of them to name a third, which eliminates the owner of the property from any right to have any voice in the appraisal. That is the point now before the Senate.

I am sure the Senator from Utah, with his sense of fairness, will realize that where a situation like that exists the Government ought not to expect the owner of the property to be weaned altogether away from any right to have a voice in naming those who are to fix the value of his property. The Government does not have to accept the award, nor does he; but that is the piece of machinery we propose to set up by which to arrive at the value of the property.

Mr. KING. The Government of the United States, under some of the policies which are being pursued, some of which



are wise and some of which are very unwise—and I have in mind particularly, in connection with the word "unwise", the action of the Resettlement Administration—is entering many of the States, Alaska, and Puerto Rico—I am not sure whether or not it has yet reached the North Pole—and acquiring property of all kinds and engaging in almost every form of industrial activity. It seems that the appetite of the Federal Government to acquire property and to engage in business and industrial activities is unappeasable, and its desire to enter into every field occupied by private endeavor cannot be restrained.

I am not satisfied that it is wise for the Government to engage in the business of mining for helium and to set up plants for its production. The progress of the mining development of the United States is the result of the enterprise, courage, and faith of individuals in themselves and in the future. The development of the gold and silver mines, and the mines which have produced hundreds of millions, if not billions, of metallic wealth, from the precious metals down to those that are regarded as base metals, have been the result of the individual effort, the genius, and the courage of the American people. If the Government of the United States desires property, let it negotiate with the owners; and if the negotiations do not eventuate in an agreement, and the Government must have the property for public uses, it should enter court and exercise the right of eminent domain.

I do not like these boards with quasi-judicial power, these boards authorized to engage in all forms of business activity. I do not like the plan of having the Federal Government set up a board here for the purpose of determining the value of the property. It seems to me that we are establishing a precedent which will return to plague the Government, if not individuals.

If this property which is desired cannot be purchased from the owner at the price which the Government is willing to pay, then let the Government go into court and bring the necessary suit and let a jury pass upon the value of the property. This is not the only case and a precedent is to be established that will influence future action upon the part of the Government. In view of this fact, it seems to me that we ought to scrutinize this measure with a great deal of care, and that we ought not to give our approval of this policy in the light of the thousands of pieces of property of all kinds, both real and personal, which are being acquired by the United States. I am opposed to the amendment offered by the Senator from Kentucky.

Mr. THOMAS of Utah. Mr. President, in answer to some of the remarks made by my colleague, I think I should at least say one word about the appraisal. We must remember that the Government is already in the helium business and that the Government and its agents probably understand more about the production and the purification of helium than does anyone else.

The Government owns certain materials useful for the recovery of helium. It has machinery; it has buildings. Therefore, the persons who will know the value of this machinery in these buildings, and also the value of the helium resources themselves, must of necessity be those persons who are related to and are carrying on the governmental work at the present time.

The proceeding provided would not be an ordinary condemnation proceeding. The Government knows exactly what it is doing. It understands the extent of the production of helium by the private corporation because that has been carried on more or less under governmental control during the course of some years. The Government virtually has a monopoly today. Therefore, to imagine that the Government should not have a place in making the appraisal, and that the persons who are the only competitors of the Government in the business should not have recognition, seems to me unreasonable at this time. There is one particular property to be bought, the Government knows exactly what that property is, and knows almost exactly what it is worth.

Mr. BORAH. Mr. President, I shall not oppose the Senator's desire to have the amendment which I have offered rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Idaho [Mr. BORAH] to the amendment offered by the Senator from Kentucky [Mr. LOGAN].

The amendment to the amendment was rejected.

Mr. BORAH. I now offer another amendment, on page 2 of the amendment, line 1, after the word "follows" and the colon, to strike out the words "One by the Secretary of the Interior, one by the owner of the properties sought to be acquired, and one by the two appraisers so selected" and to insert in lieu thereof the words "The judge of the United States district court of the district in which the main office of the corporation is located shall appoint three appraisers."

On this amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. TOWNSEND (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. McKELLAR], which I transfer to the senior Senator from North Dakota [Mr. FRAZIER], and vote "yea."

The roll call was concluded.

Mr. AUSTIN. I wish to announce the following general pairs:

The Senator from Vermont [Mr. GIBSON] with the Senator from Wisconsin [Mr. DUFFY]; and

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Virginia [Mr. GLASS].

Mr. McNARY (after having voted in the affirmative). I am advised that I have a pair with the senior Senator from Mississippi [Mr. HARRISON]. I transfer that pair to the junior Senator from New Hampshire [Mr. BRIDGES], and permit my vote to stand.

Mr. MINTON. I announce that the Senator from Wisconsin [Mr. DUFFY] and the Senator from Georgia [Mr. RUSSELL] are absent in the performance of official duty as members of the committee appointed to attend the dedication of the battle monuments in France.

The Senator from Florida [Mr. ANDREWS], the senior Senator from North Carolina [Mr. BAILEY], the Senator from Ohio [Mr. DONAHAY], the junior Senator from Iowa [Mr. HERRING], the Senator from West Virginia [Mr. HOLT], the Senator from Connecticut [Mr. MALONEY], and the Senator from Montana [Mr. WHEELER], are necessarily detained from the Senate.

I further announce that the junior Senator from Tennessee [Mr. BERRY], the junior Senator from Mississippi [Mr. BILBO], the senior Senator from South Dakota [Mr. BULOW], the Senator from Rhode Island [Mr. GERRY], the senior Senator from Iowa [Mr. GILLETTE], the Senator from Virginia [Mr. GLASS], the junior Senator from Louisiana [Mr. ELLENDER], the senior Senator from Mississippi [Mr. HARRISON], the Senator from New Mexico [Mr. HATCH], the junior Senator from South Dakota [Mr. HITCHCOCK], the junior Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LEWIS], the Senator from Kansas [Mr. MCGILL], the senior Senator from Tennessee [Mr. McKELLAR], the senior Senator from Louisiana [Mr. OVERTON], the Senator from Idaho [Mr. POPE], the junior Senator from North Carolina [Mr. REYNOLDS], the Senator from Washington [Mr. SCHWELLENBACH], the Senator from South Carolina [Mr. SMITH], the senior Senator from Oklahoma [Mr. THOMAS], the Senator from Maryland [Mr. TYDINGS], and the Senator from Indiana [Mr. VAN NUYS], are absent attending important committee meetings.

The result was announced—yeas 27, nays 29, as follows:

#### YEAS—27

Austin	Clark	King	Stetwer
Borah	Copeland	La Follette	Townsend
Brown, Mich.	Davis	Lodge	Vandenberg
Burke	George	Logan	Wagner
Byrd	Hale	McCarran	Walsh
Capper	Hughes	McNary	White
Caraway	Johnson, Calif.	Nye	

#### NAYS—29

Adams	Brown, N. H.	Connally	Johnson, Colo.
Barkley	Bulkeley	Dieterich	Loneragan
Black	Byrnes	Green	Lundeen
Bone	Chavez	Guffey	McAdoo



Minton  
Moore  
Murray  
Neely

O'Mahoney  
Pepper  
Pittman

Radcliffe  
Schwartz  
Sheppard

Smathers  
Thomas, Utah  
Truman

# NOT VOTING—39

Andrews  
Ashurst  
Bailey  
Bankhead  
Berry  
Bilbo  
Bridges  
Bulow  
Donahay  
Duffy

Ellender  
Frazier  
Gerry  
Gibson  
Gillette  
Glass  
Harrison  
Hatch  
Hayden  
Herring

Hitchcock  
Holt  
Lee  
Lewis  
McGill  
McKellar  
Maloney  
Norris  
Overton  
Pope

Reynolds  
Russell  
Schwellenbach  
Shipstead  
Smith  
Thomas, Okla.  
Tydings  
Van Nuys  
Wheeler

So, Mr. BORAH's amendment to Mr. LOGAN's amendment was rejected.

Mr. THOMAS of Utah. Mr. President, I wish to ask what the parliamentary situation is. Is the amendment offered by the Senator from Kentucky [Mr. LOGAN] now to be voted upon as originally offered, without amendment?

The PRESIDING OFFICER. The amendment offered by the Senator from Kentucky is about to be voted on.

The question is on agreeing to the amendment of the Senator from Kentucky to the committee amendment on page 8, lines 3 to 19.

The amendment to the amendment was agreed to.

Mr. BORAH. Mr. President, on page 11, beginning at line 16, I move to strike out the words "on the joint recommendation of all the members of the National Munitions Control Board and the Secretary of the Interior", and to insert language in lieu thereof, so that the sentence will read:

No helium gas shall be exported from the United States, or from its Territories and possessions, until after application has been made to the Secretary of State and a license authorizing said exportation has been obtained from him and approved by the President.

Then the remainder of the section will read as it formerly read. In other words, I propose to eliminate the National Munitions Control Board, and leave the matter of exportation entirely to the Secretary of State, under the regulations which the Secretary of State shall make, subject to the approval of the President. I would rather trust the Secretary of State with the question of protecting helium exportations.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. WALSH. I think the Senator's amendment is the present law. Therefore, it is very proper that the President should have the deciding authority in a matter of this kind.

Mr. THOMAS of Utah. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. THOMAS of Utah. If the Senator from Idaho had heard my explanation of the reasons for the wording which we find in the bill and which he now proposes to amend, I think he would know that, so far as I am concerned and so far as the other members of the committee are concerned, we should have no objection to the amendment the Senator from Idaho proposes. Those rather clumsy arrangements came about as the result of our trying to be doubly careful about the exportation of helium for war purposes.

I see no reason why we should not accept the amendment of the Senator from Idaho.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Idaho [Mr. BORAH] to the committee amendment.

The amendment to the amendment was agreed to.

Mr. BONE. Mr. President, I send to the desk an amendment to the pending bill. My amendment is the language of Senate bill 2603 without the enacting clause, and I ask that the amendment be printed at this point in my remarks. I am not going to read all of it, because I think every Member of the Senate is advised of its contents. I content myself with saying that Senate bill 2603 is the bill introduced by me, by the Senator from Missouri [Mr. CLARK], the

Senator from North Dakota [Mr. NYE], the Senator from Idaho [Mr. POPE], and the Senator from North Dakota [Mr. FRAZIER] on June 8, 1937, to provide for Government ownership and operation of shipbuilding facilities and plants for the manufacture of Army and Navy ordnance and all other war materials.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Washington to the committee amendment will be printed in the RECORD without being read.

Mr. BONE's amendment to the committee amendment was to insert at the end of the committee amendment the following:

That the Secretary of War is authorized, empowered, and directed forthwith to construct, or acquire by purchase or by condemnation, such plants, factories, and facilities, in addition to the arsenals and other such facilities now belonging to the United States, as may be necessary for manufacturing and producing war munitions and supplies sufficient to meet all of the requirements of the United States Army, including the following munitions of war:

Propellants and explosives of all kinds used by the United States Army; and such production shall also include the requirements of the United States Navy for such propellants and explosives.

Shells and projectiles, and explosives therefor, used by artillery of the United States Army.

All classes of artillery used by the United States Army.

Gases employed in war operations.

Tanks.

Rifles, machine guns, and small arms of all kinds, for manual and mechanical operations, employed by the military forces of the United States, and ammunition therefor; and such production shall also include the requirements of the United States Navy for such war materials.

And thereafter to operate such producing and manufacturing facilities and produce and manufacture therein the above-described war materials as herein provided.

SEC. 2. The Secretary of the Navy is authorized, empowered, and directed forthwith to construct, or acquire by purchase or condemnation, and thereafter to operate, additional facilities (including necessary lands) to expand existing Government navy yards, armor-plate plants, naval arsenals, naval gun factories, and shipbuilding plants and facilities, so that such Government navy yards, plants, and facilities, including those now owned by the United States, shall thereafter be capable of doing all naval construction and repair work on any and all vessels of war of all types and categories required by the Army and Navy of the United States, including naval auxiliaries and Army transports, and their main engines, ordnance, and armament, and producing gun forgings, armor plates, and projectiles for all classes of guns and ordnance used on such vessels: *Provided, however*, That the provisions of this act shall not apply to vessels contracts for which have heretofore been let to private parties, but in all other respects this act shall apply to affect all activities and operations contemplated in the Naval Appropriation Act of June 3, 1936, and subsequent appropriations: *Provided further*, That structural steel for such ships, and raw materials from which castings and forgings are made, fabricated materials such as sheet-metal rods, bars, and tubing out of which parts are made, and appurtenances such as chronometers, may be purchased in the open market under provisions prescribed in existing statutes, until such time as the Secretary of the Navy shall elect to produce such equipment and materials in the Government plants referred to in this section.

SEC. 3. The Secretary of the Navy and the Secretary of War shall have power to acquire any property or property rights, including any and all patent rights, necessary to carry out the provisions of this act, by purchase or by the exercise of the right of eminent domain, and to institute condemnation proceedings therefor in the same manner as is provided by law for the condemnation of real estate.

SEC. 4. The Secretary of War and the Secretary of the Navy are hereby authorized, empowered, and directed forthwith to manufacture all gages, jigs, dies, and fixtures necessary in the production of the munitions of war referred to in this act, and to provide adequate supplies of such gages, jigs, dies, and fixtures for use in the event of war by any agency designated by the President of the United States, if in his judgment the then existing facilities for the Government production of munitions of war are insufficient to meet the emergency demands for such munitions.

SEC. 5. It is hereby declared to be the policy of the Congress, as expressed in this act, to make the Government of the United States as nearly as possible self-sufficient in national defense, in time of war as well as in time of peace, by requiring Government manufacture and production of the munitions and instrumentalities of national defense described and referred to in this act.

Nothing in this act shall be construed to require the Secretary of War and the Secretary of the Navy to acquire sources of raw materials and plants or factories to process the raw materials which the Secretary of War and the Secretary of the Navy are required to manufacture into combat instrumentalities and munitions of war, but such raw materials may be purchased in the open market under competitive bids therefor, as prescribed in existing statutes. The purpose of this act is to reserve to the United States the exclusive privilege and function of fabricating



and manufacturing such raw materials into the actual combat munitions and instrumentalities of war which are described in sections 1 and 2 of this act, and to perform such work of fabricating and manufacturing in its own plants, factories, navy yards, and arsenals.

Sec. 6. Said Secretaries are authorized to appoint and fix the compensation of such supervisors, designers, chemists, naval architects, and other experts as may be necessary for carrying out all of the provisions of this act, without regard to the provisions of other laws applicable to the employment, classification, and compensation of officers and employees of the United States, and they may, subject to the civil-service laws, appoint such other officers and employees as may be necessary to carry out the provisions of this act, and to fix their salaries in accordance with the Classification Act of 1923, as amended.

The said Secretaries may, in the name of the United States, defend or bring suits at law or in equity, as they may find necessary or desirable in carrying out the purposes of this act, and they shall be represented in all such litigation by the Attorney General of the United States or his representatives.

Sec. 7. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$\_\_\_\_\_ to carry out the provisions of this act, \$\_\_\_\_\_ of said sum to be expended by the Secretary of War and \$\_\_\_\_\_ of such sum to be expended by the Secretary of the Navy.

Sec. 8. All acts and parts of acts in conflict with any of the terms and provisions of this act are hereby repealed.

Mr. BONE. Mr. President, while I am impelled to tender this bill as an amendment, I do not want to interfere with the prompt disposition of the pending bill. However, I think this an opportune time to discuss some of the problems we are now confronting with relation to national defense, because that has been suggested very aggressively and emphatically in the arguments on the helium bill.

A few days ago Mr. William Dodd, American Ambassador to Germany, came back to this country and prophesied that the world was heading directly into another great international conflict, the effect of which would be to destroy civilization itself.

Mr. Dodd is not the only one who is emphasizing that particular viewpoint, because a great many very thoughtful persons know and realize that for the first time in human history all the major nations of the world have suffered major economic dislocations, that their economic, social, and political structures have crashed, presenting a picture without parallel in history, so that, Members of the Senate, the thing we are facing today is menacing and alarming.

It is startling and terrifying. The crash that Ambassador Dodd suggests is not outside the realm of possibility, but on the contrary, it looms ominously in sight; and unless those who are guiding the destinies of other nations, and literally holding those nations in the hollow of their hands, are mighty careful, we may find our present-day civilization literally submerged in an ocean of blood, and all the things that are worth while going down and out.

Let us now examine for a moment what this mad arms race is costing the world, because that is what I want to refer to in connection with this amendment to nationalize the business of taking care of national defense.

A short time ago I ran across an editorial in one of the big western newspapers—a very conservative newspaper, by the way, so when I am quoting the editorial I am not quoting an alarmist, or anyone who has any sinister or ulterior motives in discussing questions of national defense. In this editorial it is pointed out by an expert quoted by the newspaper that the total arms expenditures in the world rose from \$5,000,000,000 in 1934 to \$11,000,000,000 in 1936.

In the latter year the expenditures of Russia were estimated at \$3,000,000,000. Those of Germany were estimated at \$2,600,000,000. Those of our own United States were estimated at \$1,000,000,000.

Let me say parenthetically that that \$1,000,000,000 does not reflect the cost of war. That is only our present-day cost of preparation. That is our present-day cost of defense operations. It has no relation whatever to pensions and the other charges that war has placed upon our social structure.

Mr. CLARK. Mr. President—

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Does the Senator from Washington yield to the Senator from Missouri?

LXXXI—549

Mr. BONE. I yield.

Mr. CLARK. Is it not a fact that in the present session of Congress, in the military and naval appropriation bills, we have authorized expenditures in preparation for war very much above a billion dollars?

Mr. BONE. I think that is correct.

Mr. CLARK. We have authorized directly the expenditure of several hundred million dollars above a billion dollars, to say nothing about the indirect appropriations and indirect authorizations for war purposes contained in other bills.

Mr. BONE. I think that is true.

Mr. CLARK. So, the figure the Senator has quoted is an extremely conservative one, to say the least.

Mr. BONE. Yes. I want to emphasize the fact that this is an understatement rather than an overstatement.

The expenditures of Great Britain last year for armaments amounted to \$847,000,000, and those of Italy amounted to \$871,000,000—nations that are either too proud to pay their war debts or do not care whether or not they ever pay them.

In other words, the expenditures of Russia in 1936 were almost as great as the total world expenditures for armaments and war in 1913, the year before the World War broke out, and the world was fairly well prepared for war then, as the casualty lists of the World War indicate. The expenditures of Russia in 1936 were three-fifths of what world expenditures had been as recently as 1934. Italy is today spending 52.7 percent of her 1936-37 budget for armaments. German probably spends 50 percent of her budget, and Japan something over 46 percent of her's for armament purposes. The British percentage is 20 and that of France nearly 30.

Mr. President, what are we getting for all of this money? A few days ago I was talking to a very prominent naval officer in connection with the building program in which we are now engaged. He stated to me that as late as from 1932 to 1933 the bid price received on a destroyer of around 1,500 or 1,600 tons was three and a half million dollars. Bids received recently for the same type of boat run around \$7,000,000, or 100-percent increase in the cost of these vessels in its national-defense program in that one isolated field. How long do you think, Mr. President, we are going to be able to stand that sort of cost? Imagine what a godsend that is going to be for private shipbuilders when the big merchant-marine program gets under way. Private builders could not demand a better opportunity to put their trucks up against the back door of the Treasury. They could even lay a pipe line in and put suction pumps in it in order to get the money out expeditiously and as befits a noble program of that kind.

The other day the Department called for bids on a couple of big battleships. This ought to thrill the taxpayers. Let me call their prayerful attention to the fact that the other day private shipbuilders submitted some bids on two proposed 35,000-ton battleships and those bids were \$12,000,000 apiece more than the bids of our own navy yard.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BONE. I am glad to yield.

Mr. CLARK. I am familiar with the figures which the Senator has just been quoting, which show that the bids from the navy yard were some \$12,000,000 less than the lowest bid of private shipbuilding companies, which I think was the New York Shipbuilding Co. I believe that the bid to which the Senator refers is \$37,000,000 from a navy yard. This is based on a newspaper report as to the bids. Is not that correct?

Mr. BONE. I think that is correct.

Mr. CLARK. At any rate, it was approximately that.

Mr. BONE. Yes; it was approximately that.

Mr. CLARK. Today I called the Navy Department, and I am advised that the estimates for actual construction of the North Carolina at the New York Navy Yard was \$34,425,000, and for the Washington, to be constructed in the Philadelphia Navy Yard, \$34,132,000. Therefore, instead of being under by approximately \$12,000,000, as shown in the



newspaper report referred to by the Senator, according to the figures of the navy yards, for actual construction the navy yard estimates will be about \$15,000,000 under the lowest bids of private shipbuilders.

Mr. BORAH. Mr. President, I do not understand the Senator's amendment. Is it proposed to the pending helium bill?

Mr. BONE. Of course, the Senator is at a disadvantage because I merely asked to have it printed. It is Senate bill 2603, and is a bill to require the production of munitions of war and warships in Government plants and yards.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. CLARK. It seems to me that this bill, which was introduced by the Senator from Washington and the two Senators from North Dakota and myself, is apropos as an amendment to the pending bill, because this is a bill for the establishment of a Government monopoly for purposes of national defense, and the bill which the Senator from Washington is now offering as an amendment is also a bill for the establishment of a Government monopoly in another and at least as important a field of national defense, namely, the field of naval construction. In other words, it seems to be entirely apropos to the question of the establishment of Government monopolies for national defense.

Mr. BORAH. Do I understand that the Senator from Utah is opposed to the amendment of the Senator from Washington?

Mr. THOMAS of Utah. The Senator from Utah feels that this amendment is so important in itself that he is sure the Senator from Washington would dislike to see it attached to an unimportant bill, such as the helium bill, at this time. Therefore, the Senator from Utah is going to suggest that the amendment be voted down.

Mr. CLARK. Mr. President—

The PRESIDING OFFICER (Mr. Lewis in the chair). Does the Senator from Washington yield to the Senator from Missouri?

Mr. BONE. I yield.

Mr. CLARK. I do not wish to interrupt the speech of the Senator from Washington, but if he will permit me to finish the presentation of the comparative figures on which I was engaged—

Mr. BONE. I am happy to do so.

Mr. CLARK. In connection with the discrepancy of some \$15,000,000 between the actual cost in Government navy yards and the lowest bids of private shipbuilding companies for the proposed new battleships, it seems to me that it might be very interesting to have a comparison with the cost of a battleship constructed within a comparatively brief period. I refer to the battleship *California*, which was finished in 1921, I believe, in a time of relatively exceedingly high construction costs both for material and labor, and which is comparable size to the battleships now being constructed. The battleship *California* was constructed at the Mare Island Navy Yard and finished, I believe, in 1921; it had a tonnage of 32,600 as against a tonnage of 35,000 for the present battleships, and, as I have said, was built at a time of very high labor and construction costs; and yet the *California* was constructed for \$15,406,638, less than 50 percent of even the very much diminished cost estimated by the navy yards at the present time, and less than 33 percent of the lowest bid received from private shipbuilding companies at this time.

Mr. BONE. Mr. President, an interesting aspect of this problem is presented when it is realized that the figures of thirty-four or thirty-six million dollars bid by the navy yards and the twelve to fifteen million dollars' differential in the private-yard bid are only for the hull and machinery. The American people have no conception of what this tremendous increase in costs means to them. When a three-and-a-half-million-dollar destroyer of 4 or 5 years ago is translated into a seven-or-eight-million-dollar destroyer now, national defense is going to cost so much that, before we are through with it, it will fairly make us shiver. What justification is there for a hundred-percent increase in the

cost of ships? If there is justification for it, what is the merchant-marine program going to cost? What is the whole program of national defense going to cost this country if we are to have all the new ships we want and need?

Let me give one more illustration. It was demonstrated very clearly, and the figures were not challenged by our Navy Department, that for \$24,000,000 our Government navy yards can be expanded and provided with new welding, cutting, and modern machinery, yards, ways, and slips to do every bit of the building contemplated by our present naval-expansion program. That amount is merely the increased cost on two ships under private bids. What is going to happen when the program gets in full swing and that great increase in cost is clamped down on all the vessels we are going to build in our naval program? A fraction of what we would save would expand our navy yards so that we could do all of our own naval work and we would not be at the mercy of private shipbuilders.

Mr. NYE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from North Dakota?

Mr. BONE. I am happy to yield.

Mr. NYE. I should like to make an inquiry of the Senator from Missouri, who has made a statement as to comparative costs for like ships. May I ask him in what year was the building of the battleships, to which he referred, undertaken? Was it 1926?

Mr. CLARK. No; it was back in 1921. As I recall, the *California* was constructed in 1921, which was a period, as the Senator will recall, of extremely high building costs, and it was constructed for \$15,400,000, in round figures, less than a third of the lowest bid which we received this year for battleships of comparable size from private shipbuilding companies, and less than half the lowest bid which we received from Government navy yards.

Mr. NYE. Are actual shipbuilding costs higher today than they were at that particular time?

Mr. CLARK. I understand they are not.

Mr. NYE. That is my understanding, as well.

Mr. CLARK. I have not the actual statistics, but the understanding among the best sources of information to which I have been able to refer is that costs were higher in 1921 than they are today, so far as wages and materials are concerned. We have been going through a struggle for the last 3 or 4 years to get wages and material costs back to where they were in 1921.

The PRESIDING OFFICER. Will the Senator from Washington allow the Chair to ask the Senator from Missouri a question for information?

Mr. BONE. Certainly.

The PRESIDING OFFICER. The Senator from Missouri made a statement as to the estimates for the construction of ships from private sources and figures from the yards of the Government, but the Senator from Missouri did not conclude what the Chair should like to know from him. To which was the bid finally given?

Mr. CLARK. I do not know that the bids have been awarded as yet, but I understand it has been decided to award the contracts in the case of the *California* to the New York Navy Yard and in the case of the battleship *Washington* to the Philadelphia Navy Yard.

The PRESIDING OFFICER. The Chair thanks both Senators.

Mr. BONE. Spokesmen for private shipbuilding concerns have been to Washington protesting that the Government is seriously considering the building of the two new battleships in Government yards. I think the majestic world may well stand aghast at such an exhibition of nerve. Money is hard to get and we have been compelled to pour out vast sums for relief. It is brazen effrontery for private ship interests to come here and suggest in these times that we give them \$12,000,000 to \$15,000,000 more for building a vessel than we could build it for in our own yards.

Mr. CLARK. Mr. President—

Mr. BONE. I yield to the Senator from Missouri.



Mr. CLARK. Is not that the same gang that admitted spending \$268,000 in one session of Congress a few years ago for the purpose of providing a subsidy for them?

Mr. BONE. That is the crowd which came down here with plenty of money, as the Senator from Missouri has said. Their spokesman openly said they spent a quarter of a million dollars to drive a so-called Merchant Marine Act through Congress.

Mr. NYE. Mr. President, will the Senator from Washington yield?

Mr. BONE. I yield.

Mr. NYE. I should like to have the Senator give expression to his thought as to what the situation would be respecting the quoting of prices for the construction of ships for the United States Government if our Government did not possess navy yards of its own.

Mr. BONE. I think we could get a correct answer out of every Member of the Senate. Where would we be if we did not have our navy yards? We would be like the traditional tomcat in Tartarus, without teeth or toenails, to claw its way out. If we did not have our navy yards at all and if we could not get our work done there, the bids would soar heavenward at a dizzy rate. There is only one answer to make to that crowd, and that is to say to them, "Gentlemen, give us the right prices or you do not get any work." The Government does not tax its people merely to subsidize private shipbuilders, and this is specially true of such a vital and important thing as national defense, where every dollar ought to count and produce a dollar's worth of increased national safety.

Let us be realistic about this and not walk away from it without giving it serious attention. Recently Dr. Gallup took a poll in America, and I am sure Senators who are familiar with his methods will admit that they have been proven to be fairly accurate. The poll discloses that 82 percent of the people of this country want to nationalize the business of preparing for national defense and for war.

The bill which I have offered as an amendment does not call for the ownership of the sources of raw material. In very well chosen language it simply provides that the Federal Government shall have a monopoly in one restricted field. It is well, in my judgment, to keep it in that field—that the Government shall have a monopoly in fabricating war munitions in final form for actual combat purposes. In other words, the one function of translating material into the final form for actual-combat purposes shall be a Government function and monopoly, and it ought to be.

There is no higher purpose that animates Americans than to defend America, and this high purpose must not be translated into a financial football for men who blithely bid \$15,000,000 more for the construction of one battleship than the Government can build it for.

Mr. LOGAN. Mr. President, will the Senator yield?

Mr. BONE. I am very happy to yield.

Mr. LOGAN. I have much sympathy for the Senator's bill, and I think at a proper time I should support it. But does not the Senator think that trying to hitch his bill, which he is now discussing, onto the tail of the helium bill is very much like trying to hitch the State of Texas onto the tail of the State of Rhode Island?

Mr. BONE. The Senator presents an interesting question.

Mr. CLARK. Mr. President, will the Senator yield again?

Mr. BONE. I gladly yield to the Senator from Missouri.

Mr. CLARK. The Senator has been referring to the difference in cost in the efforts of the United States to manufacture its own munitions, and their purchase from private shipbuilding companies and other purveyors of munitions. Does not the Senator think some of the tremendous difference in cost might be accounted for as was disclosed before the Munitions Committee, when the head of one of the shipbuilding companies, during the 2 years the United States was engaged in war, was shown to have been paid in bonuses alone, to say nothing of the salary which he received, more than \$3,000,000 which entered into the contracts executed by the Government with those companies of which this gentleman was head, while the heads of the United States navy

yards and other governmental agencies received no such salaries and no bonuses whatever?

Mr. BONE. The Senator from Missouri is absolutely correct. He will recall, as other members of the Munitions Committee will recall, the very peculiar way in which the accounting systems were handled by the shipbuilding companies during wartimes, in which all sorts of operating overhead expenses were included, in a fashion that even made the hair of the case-hardened members of that committee stand quivering on end.

Mr. CLARK. Does the Senator recall the testimony as to the cost of certain ship construction by the New York Shipbuilding Co. and other shipbuilding companies during the period of the war on the cost-plus basis, when they actually figured into the cost on which they expected the Government of the United States to reimburse them, the expenses of their representatives in soliciting commercial business in China and Japan, and also included Christmas presents and contributions, wines, liquor, and cigars, and moneys expended on testing trips, and other similar items which not only entered into the construction costs but on which they collected bonuses from the United States because of the expenditure of money for those purposes?

Mr. BONE. I think, if the real truth were known about certain financial operations during the last war and how this Government was rooked in the sacred name of patriotism, we would have a housecleaning the like of which the Government has never seen since it became a Republic.

This is the first time in my experience in the Senate that I have singled out books for comment, but I wish every person in the United States interested in the subject of war would read a little book called *War Madness*, by Steve Raushenbush, published in Washington and sold for 25 cents, by the National Home Library Foundation. It will give the average citizen, without the expenditure of very much money, a comprehensive pen picture of some of the rackets turned up by the investigations of the Munitions Committee of this body.

When we realize that the saving on two ships, if built by the Government, is almost enough to pay the cost of a battleship a few years ago, we can realize how bold are the demands of private builders.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. BONE. Certainly.

Mr. WALSH. Does the amendment proposed by the Senator restrict to actual war-period times the exercise of the powers granted to the Secretary of War and the Secretary of the Navy?

Mr. BONE. No. It is an attempt to make the Government self-sufficient in time of peace as well as in time of war.

Mr. WALSH. So the amendment, if it is adopted, would give authority to exercise these powers at once?

Mr. BONE. That is correct. Of course, Congress would have to appropriate the necessary money.

Mr. WALSH. Can the Senator state what amount of money it would cost to give this authority to take over the private munitions mentioned in his amendment?

Mr. BONE. I do not have on my desk the studies which were made and the break-down of the figures prepared for us by experts from one of the governmental departments who made a very exhaustive study, but it is my recollection about \$40,000,000 would do the whole job for both the Army and Navy. The Government owns a great many institutions now. It is largely a matter of expanding them.

Mr. WALSH. Did the Senator, and the other Senators associated with him in promoting the amendment, give consideration to limiting to actual wartime periods the powers set forth in the amendment?

Mr. BONE. If we attempted to do that, we simply would have idle equipment instead of having it doing this work. It seems to me there would not be any legitimate purpose served by building equipment and letting it lie idle.

Mr. WALSH. The amendment proposes to construct or to give power to the Secretary of War and the Secretary of the Navy to take over certain munition plants now privately owned and privately operated.



Mr. BONE. That is correct.

Mr. WALSH. And the amendment authorizes such appropriations as may be necessary, the money to be provided by Congress.

Mr. BONE. That is correct. Of course, when the Senator says "take them over", that is a rather broad term. The language is to the effect—

That the Secretary of War is authorized, empowered, and directed forthwith to construct, or acquire by purchase or by condemnation, such plants, factories, and facilities, in addition to the arsenals and other such facilities now belonging to the United States, as may be necessary—

To accomplish the purpose of the bill.

Mr. WALSH. It is intended, of course, that the Secretaries shall exercise this power at once after the passage of the bill?

Mr. BONE. Yes; that is correct.

Mr. WALSH. It is not optional with him whether or not he shall take over these plants. It is a mandate of the Congress to have the War Department and the Navy Department get control of all private munitions factories?

Mr. BONE. That is correct; to take over and perform the function of building actual munitions of war in their final form for combat purposes.

Mr. WALSH. I thank the Senator.

Mr. CLARK. Mr. President, if the Senator from Washington will permit me to interrupt him, as I understand the purpose of the amendment—and I think the Senator from Washington will agree with me—it does not authorize the Secretary of War or the Secretary of the Navy to go out and seize private property. It simply authorizes the two Secretaries, unless they can acquire by purchase the facilities necessary for the manufacture of munitions of the United States, then to construct, in the name of the United States and under the ownership of the United States, facilities sufficient to accomplish the purpose.

Mr. WALSH. But the principle behind the amendment is that it is in the public interest for the War Department and the Navy Department to take over private munitions operations.

Mr. CLARK. The principle behind the amendment is that the United States would be very much better off if it were itself to construct and have under its ownership the facilities necessary to construct such munitions as we may need rather than to be at the mercy of private contractors.

Mr. BONE. Of course, I do the Senator from Massachusetts the honor to assume and to know that he would not think that any Senator or group of Senators would sponsor a measure calling for the confiscation of private property, for obviously it could not be done, and no Member of Congress would ever think of attempting such a thing.

Mr. WALSH. I did not intend to convey that idea. I simply wanted to know if the powers granted in the measure become operative on its enactment and not at a future date.

Mr. BONE. The measure is intended to become operative upon its enactment. Of course, the money necessary to carry it out naturally would have to be carried in the budgets of the departments involved.

Mr. WALSH. Would the result be that there would be no private corporations or individuals engaged in the manufacture of munitions?

Mr. BONE. If the Senator has not a copy of the bill before him, let me call his attention to section 4, because in the preparation of the bill we realized that in the event of a great emergency like war it probably would be necessary to expand the existing agencies which the Government owned and would procure under the bill.

Section 4 provides that—

The Secretary of War and the Secretary of the Navy are hereby authorized, empowered, and directed forthwith to manufacture all gages, jigs, dies, and fixtures necessary in the production of the munitions of war referred to in this act, and to provide adequate supplies of such gages, jigs, dies, and fixtures for use in the event of war by any agency designated by the President of the United States, if in his judgment the then existing facilities for the Government production of munitions of war are insufficient to meet the emergency demands for such munitions.

The Senator knows, and I think every one knows who is familiar with it, that one of the great problems in wartime

is to have a plentiful supply of gages, jigs, dies, and fixtures. They are the mechanical gadgets by which manufacturing plants are able to turn themselves into munitions plants for the manufacture of rifle barrels and things of that kind; and it is intended under the bill that the Government shall have an enormous supply of those things, so that in the event of an emergency it can step into any factory and equip it in 24 hours.

We do not want, however, to find ourselves in the position we were in when the Du Ponts told us they would build a powder factory upon their own terms and then later come down here and tell us that we would have become a German province if it had not been for them. I imagine we all understand that the two or three million American boys in France had a little something to do with our not becoming a German province, but the Du Ponts apparently do not accept that version of the matter.

Mr. CLARK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. BONE. I yield.

Mr. CLARK. The provision as to jigs and dies, to which the Senator has referred, which is contained in this bill, and also contained in the National Defense Act, but which for some inexplicable reason has never been availed of by the War Department, would also prevent such a situation as occurred in action during the World War, when the United States was in possession of what was admittedly very much the best military rifle in the world—namely, the Springfield—but was compelled to arm its troops with a very inferior rifle, admitted by every military authority to be very inferior—namely, the British Enfield—because the Remington plant and some of the other private arms plants were jiggered and died up for the manufacture of the British Enfield, and the arsenals which manufactured the Springfield were not equipped with extra jigs and dies to manufacture the very superior Springfield rifle.

Mr. BONE. That accounts for the presence in the bill of the provision which would permit the Government of the United States to translate a private manufacturing plant into a real munitions factory on very short notice.

Now, Mr. President, I desire to conclude.

We are all familiar with the easy descent into the realms of high finance that went on before the World War, when our banking firms in New York lent England and France a vast amount of money which was never paid. That debt to the banks was ultimately translated into Liberty bonds, which we are now paying so graciously—I hope, anyway, that we are doing it graciously—and we have heard discussed on this floor times without number the question of war debts, and what a tragedy they have been to the American people. Now, however, we are going back into the same dubious field of financial activity. Down the primrose path of dalliance with this kind of outrage and infamy go the American bankers. China is in trouble. Finance Minister Kung, of China, is over in London arranging a \$10,000,000 loan, with American cooperation. How sweet it is for us to cooperate in a war loan. If we continue on that course, our boys may some time be called on to collect these loans. Some banker will come down here and howl that he cannot get back his money, and wave flags and demand that we collect the money that he loaned.

The Washington Times of the 5th of August announced that American financial interests will participate in this loan. Is not that lovely? Our bankers are participating in a loan for war purposes on foreign soil. I thought we had been fed up with that kind of business, Mr. President. I thought that all these little white headstones in France might continue to have grim significance and be and remain a pathetic warning against participation in further follies.

I sometimes wonder how far international financial manipulators would sell us down the river and threaten our civilization by their operations. Here comes Mr. Dodd back from abroad, saying that another World War will destroy our civilization. Why in the world should we mess around and stick our financial finger into these world-war pies? It is time we put a clamp on the breed of American citizens



whose activities—pernicious activities, if you please—may so disturb our international relationships that they might, by some horrible mischance, lead us into war, and again we will hear the beat of drums and the tread of feet and the roll of caissons through the streets, and our boys will go out to die.

America and its civilization are worth preserving. It is our own country, preserved by the blood of our best and by the agony of thousands and hundreds of thousands of people who yielded up their all to preserve it and make it clean and fine for us who followed. I do not want to see men in financial circles jeopardize this civilization of ours merely because they can make some money out of war. We cannot afford to juggle with our priceless heritage as though it were a worthless bauble.

Mr. President, I hope this amendment will be adopted.

Mr. THOMAS of Utah. Mr. President, I trust the amendment will be voted down.

Mr. CLARK. Mr. President, in response to an inquiry from the present occupant of the chair [Mr. LEWIS] a few moments ago, I stated an opinion as to the award of contracts for the construction of battleships which was based on rumor rather than on official information, which, of course, I have not. I have official information, however, as to the estimates for the construction of the two battleships, being in the case of the battleship *North Carolina* by the New York Navy Yard the sum of \$34,425,000 and in the case of the battleship *Washington* the estimate by the Philadelphia Navy Yard of \$34,132,000.

In response to the question of the Chair, I stated that my information was that those navy yards would receive the work. Of course, that statement was based entirely on information as to the fact that their bids were from \$12,000,000 to \$15,000,000 lower than the nearest private bid. The awards have not as yet been made; and I understand, as does the Senator from Washington, that delegations of private shipbuilders, backed by delegations of Members of the House of Representatives and Members of this body, have very strongly urged that the contract for constructing at least one of those battleships be awarded to some one of the private shipbuilding yards, whose bids are from \$12,000,000 to \$15,000,000 over the bids of the navy yards. So the actual award is a question which still remains to be determined.

Mr. BONE. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator from Washington.

Mr. BONE. I have before me a story carried in the New York Times of August 5—I think it is very reliable—quoting the Navy Department, or at least referring to the bids opened in the Navy Department on that date for the construction of 1,600-ton destroyers; and the bids ran from \$5,075,000 to \$8,529,000. The low bid of a year ago on the same type of boat was \$4,125,000. Here is a bid twice that much; and the destroyers are of approximately the same types as those on which the Navy Department had bids of \$3,500,000 along in 1932 and 1933.

Mr. CLARK. Mr. President, I have some other figures which I desire to include in the Record.

In 1932, the Bethlehem shipbuilding yards were awarded the work of building the cruiser *Quincy* on a bid of \$8,196,000. In the following year, 1933, at a time not of rising but of falling costs both for labor and for construction, the work of building exactly the same type of cruiser, the *Vincennes*, was awarded to the same company, the Bethlehem Co., on a low bid of \$11,720,000, as well as the work of building the *Savannah* on a bid of \$11,677,000. In other words, at a time when both labor and construction costs were falling rather than rising—and I call attention to the fact that this was in 1933, before the passage of the N. R. A., so that the N. R. A. increase in labor construction costs could not have entered into the bids—there was an increase in the bid on the same type of cruiser, from approximately the same bidders, of three and a half million dollars, nearly 50 percent of the construction cost of the 1932 cruisers.

In the same year, 1933, the New York Shipbuilding Co. received the work on the *Nashville* on a bid of \$11,677,000, an identical bid with that on which the Bethlehem Shipbuilding Co. received the work on the *Savannah*.

The *Brooklyn*, which was constructed in the same year by the New York Navy Yard, was built at a cost of \$11,660,000.

So, Mr. President, it appears that in 1932 and 1933 there was an inexplicable increase in construction costs, in the matter of cruisers of that type, of 40 percent. I say inexplicable; I should explain that that applies only to the surface, because there has been a rather complete explanation put into the records of the hearings of the Munitions Committee of that increase in cruiser cost, which sheds very great illumination on the present method of bidding for the construction of naval vessels by the private shipbuilding companies of the United States. On August 1, 1933, our late colleague, the Senator from Florida, Mr. Trammell, then the chairman of the Committee on Naval Affairs of the Senate, addressed to the President the following letter:

DEAR MR. PRESIDENT: I have been quite interested in analyzing the bids opened by the Navy Department on July 26, 1933, which were submitted by the shipbuilders on naval construction. I believe a thorough study of the matter should be made.

It is my information that—

On September 16, 1931, Bethlehem Shipbuilding Corporation bid for one 1,500-ton destroyer \$2,728,500.

On July 26, 1933, Bethlehem Shipbuilding Co. bid for an identical destroyer \$2,670,000, or a decrease in price of \$58,500.

On December 14, 1932, Bethlehem Shipbuilding Corporation bid for one 8-inch gun (heavy) 10,000-ton cruiser, \$8,196,000.

On July 26, 1933, Bethlehem Shipbuilding Corporation bid for the same cruiser \$11,720,000, or an increase in price of \$3,524,000.

There appear to have been but four bidders on cruisers and eight on destroyers. Gulf Industries, Inc., of Pensacola, Fla., appears to have submitted bids on the destroyers.

It is my information that, in addition to the facts outlined above, it was known in advance which of the four concerns bidding on the cruisers would be low on each of the several items, and it appears to have been known in advance that the position of each of the said shipbuilders would be protected by bids submitted by the remaining shipbuilders, for instance:

Bethlehem Shipbuilding Corporation, \$11,720,000.

New York Shipbuilding Co., \$12,100,000.

Newport News Shipbuilding & Dry Dock Co., \$13,800,000.

United Dry Docks, Inc., \$14,800,000.

The bid of the New York Shipbuilding Corporation on the two light cruisers was protected by the other three bidders as follows:

New York Shipbuilding, \$11,657,000; Bethlehem Shipbuilding Corporation, \$12,780,000; Newport News Shipbuilding & Dry Dock Co., \$13,900,000; United Dry Docks, Inc., no bid.

This is the chairman of the Naval Affairs Committee of the Senate, our late colleague, speaking, with his vast knowledge on the subject:

I am unable to justify in my own opinion the increase in cruiser cost as indicated by the 1932 and 1933 bids, particularly when those bids are compared with the destroyer bids of 1931 and 1933. I am convinced that the cruiser bids should be rejected.

Mr. President, in addition to this letter from the chairman of the Naval Affairs Committee of the Senate, there was evidence in the same record by disinterested witnesses of highest integrity, one of whom, Mr. John P. Frey, head of the Metal Trades Department of the American Federation of Labor, a man known to many members of the Senate, testified that in his presence in his office several weeks before the opening of the bids before the making of the awards on the 1933 cruisers a man sat down and wrote out on a piece of paper which of the big three shipbuilding companies would get which cruisers and which parts of the building program and the approximate price at which they would get them.

It was explained that that was simply by reason of the process set out in Senator Trammell's letter, that the representatives of this big-three shipbuilding combine would get together and decide among themselves which company was to build which vessel, and at what price they desired the bid to be made, and then the other two of the conspirators would make collusive and protective bids, so that in each case it was absolutely certain that the member of the big-three shipbuilding combine which had been decided on in advance would get the award. It later appeared in evidence that precisely the same process had gone on among the so-called little three in the building of destroyers, submarines, and types of vessels of a smaller kind.

Mr. President, this represents a disgraceful condition in this country, to say nothing of the waste and extravagance



involved in allowing these purveyors of munitions to plunder the people of the United States, and the illustrations we have used today with regard to shipbuilding might be extended to the other fields, to the manufacturers of other kinds of munitions of war.

It seems to me there is no more important question to be before the Congress, in view of the tremendous and costly mounting expenditures in preparation for another war, than the consideration of this question. The Senator from Utah very naturally, being in charge of the bill, says that the bill embodied in the amendment of the Senator from Washington ought not to be tacked on to the pending bill. The difficulty with his argument is that under the peculiar system we have in the Congress, by which the committees of the Senate and the House of Representatives having to do with military and naval questions are in the closest contact with the War Department and the Navy Department, the only way in which the Congress will ever be able to pass upon such an important question as this is by having it tacked on to some other bill, because we will never get a bill for the nationalization of the manufacture of munitions out of the Committee on Military Affairs or the Committee on Naval Affairs. I do not in any way reflect on the Senators who make up those committees when I make that remark.

Mr. President, to me it seems that there could not be a bill before the Senate to which the amendment of the Senator from Washington could be more germane than the pending bill, because it is a bill which proceeds upon the theory of nationalization of a great national resource, for purposes of national defense, primarily. That is the only way it got into the Military Affairs Committee in the first place.

The bill embodied in the amendment of the Senator from Washington proceeds upon the theory of the nationalization of several industries, several activities, for purposes of national defense, and it seems to me that there never will be in this body a bill to which that could be more germane than the pending bill, and I believe the time is none too soon to proceed to the consideration of this very important subject.

Mr. KING. Mr. President, I support the position taken by my colleague in opposition to placing upon the bill under consideration the very important measure which has been tendered by the very able Senator from Washington [Mr. BONE].

A number of years ago I was a member of the Naval Affairs Committee, and during my service upon that committee I gave considerable attention to the questions that were involved. We had before us at that time, when I was a member of the committee, a bill which called for approximately \$1,375,000,000 for the construction of battle cruisers and battleships. As soon as we took up that bill for consideration—and I may say that I opposed it—Japan, fearing that we had some military spirit, and contemplating some invasion of the Orient, or for some other reason, became active, and projected a plan for the construction of six battle cruisers, some of which were as large as, and two or three of them larger than, those which were contemplated under the plan under consideration; all of which emphasized the fact that any gesture upon our part, or any promise to enlarge our Navy or to increase our military expenditures, leads other nations to change their policies and increase their appropriations for military purposes.

Mr. President, it is a great mistake to say that the way to peace is preparation for war. When one nation says, "We must build in order to meet the building of another nation", that nation increases its naval activity, and that inspires other nations to increase their military appropriations, and we have a cycle of increasing preparations for war.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. CLARK. The Senator is not suggesting, is he, that the measure proposed by the Senator from Washington [Mr. BONE] is calculated to increase either appropriations or expenditures for preparation for war? On the con-

trary, does not the Senator believe that nationalization of the munitions industry would have directly the contrary effect, by removing the incentive of munitions manufacturers and shipbuilders to spend hundreds of thousands of dollars in employing such scoundrels as this man Shearer to break up peace negotiations and in actively working against the establishment of governmental munitions factories?

Mr. KING. Mr. President, I make no comment upon the remarks made by the able Senator from Washington [Mr. BONE] or my delightful friend from Missouri [Mr. CLARK] as to the advantages of nationalization of the instrumentalities for war. I have not been persuaded—and I made a considerable investigation during 1917, 1918, 1919, and 1920—as to the advantages of the nationalization of these industries as against private ownership; and I was not satisfied, taking all of the factors into consideration, such as the increased wages that might be paid and the disadvantages which arise in many ways, that it would be cheaper in the long run for the Government to own all of the activities which are needed in preparation for war as against private enterprise operating them. There is much to be said upon both sides.

Mr. President, if the United States spent several hundred millions of dollars, which I think it would be compelled to spend in order to build the plants necessary for the construction of battleships and battle cruisers, I do not think that would tend to diminish the appropriations by other nations or tend to pour oil, so to speak, upon the troubled waters. I have always taken the position that if we spent for peace a modicum of what we spend for war and war preparations, the paths of peace would be trodden by more people than follow those paths today. But every appropriation that we make leads to other appropriations.

As I stated when the bill to which I first referred was under consideration, one of the leaders of the Diet in Japan was interrogated as to the expenditures which the United States Government contemplated, and he said that, in view of the large appropriations which were contemplated by the United States, Japan would be compelled to increase her appropriations for building battleships and battle cruisers, and she did so. I am glad to state, Mr. President, that the movement in the United States which tended to excite other nations resulted in the administration then in power, the Harding administration, calling an international conference for the purpose of bringing about a reduction in armaments. While that conference did not accomplish all that was hoped for it, in my opinion, much good did result from it. It did arrest our program which called for the expenditure of nearly \$1,500,000,000, and it did arrest the building programs of Japan and other nations for battleships and battle cruisers; and to that degree it saved, in my opinion, many billions of dollars to our Nation and to other nations throughout the world.

Mr. President, it is not now my purpose, however, to discuss that situation. I rose merely for the purpose of indicating that it seems to me that the amendment offered by the Senator from Washington ought not to be attached to the measure now under consideration by the Senate.

Mr. BONE. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. BONE. The Senator understands that our purpose in offering this amendment—my purpose, at least—is to try to secure for my Government a dollar's worth of defense for a dollar spent instead of getting 75 cents' worth of defense for a dollar.

Mr. KING. I agree with the Senator; and if we could save, not 25 cents but 50 cents or 75 cents, I should be very happy to endorse that policy. I am not satisfied that the United States can build battleships and all the munitions of war cheaper than private industry can; but I should welcome the appointment by the President of the United States, or by the Congress of the United States, of a commission to make a searching investigation into all the questions involved in the proposition to have the United States nationalize all munitions factories. I think much information might be obtained



which would be useful to Congress in determining this important question.

Mr. BARKLEY. Mr. President, I express the hope that we may dispose of the pending amendment and dispose of the bill. Quite a full program for the afternoon has been tentatively arranged. We have gotten nowhere with it. I hope we may shortly dispose of the pending amendment and the bill.

Mr. THOMAS of Utah. Mr. President, I repeat that the amendment is worthy of real consideration. Therefore, I hope it will be voted down as an amendment to the pending bill.

Mr. MOORE. Mr. President, I desire to say only that if the Government undertakes to build its ships, the Government should take over the shipyards. In New Jersey, in one shipyard 10,000 men are employed. They are not necessarily all employed in working on Government ships, but most of the time they are employed in working on Government ships. A delegation representing those men came to Washington last week to present their position. When the Government takes over the building of a ship, the men who have made their life's work that of shipbuilding, men who have bought little homes and have their homes and their families there, cannot work in the Government shipyard because they are over age. The Government may establish shipyards and may build its own ships, but the Government does not use in building its ships these men who have given their lives to building ships. If the policy proposed should be carried out, all of the men to whom I refer would have to go on relief.

Mr. President, if this policy were adopted, another question would have to be considered. The Government has no ways on which to build ships. The expenditure of millions of dollars will be required to build ways. When it is all figured out, a greater expense will be involved in having the Government carry out this work than is involved in having the private shipbuilding companies do the work.

I do not believe in giving the shipbuilding companies anything they should not have. I do not believe they should be awarded contracts when their bids are too high. I believe they should be made to come down to what the Government says is a fair price in bidding for the building of ships. I do not believe, however, in throwing 10,000 men out of work. Shipbuilding yards are located in other States also. I do not care if the Government puts them all out of business, but let us put them all out of business honestly. Let us take the shipyards and use them ourselves.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. BONE] to the amendment of the committee.

Mr. AUSTIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, let the roll be called.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	La Follette	Pope
Andrews	Copeland	Lewis	Radcliffe
Austin	Davis	Lodge	Reynolds
Barkley	Ellender	Logan	Schwartz
Berry	Frazier	Lonergan	Schwellenbach
Bilbo	George	McCarran	Sheppard
Black	Gerry	McGill	Smathers
Bone	Green	McKellar	Stelwer
Borah	Guffey	McNary	Thomas, Utah
Brown, Mich.	Hale	Maloney	Townsend
Brown, N. H.	Harrison	Minton	Vandenberg
Bulow	Hatch	Moore	Wagner
Capper	Hitchcock	Neely	Walsh
Caraway	Johnson, Calif.	Nye	White
Chavez	Johnson, Colo.	Pepper	
Clark	King	Pittman	

The VICE PRESIDENT. Sixty-two Senators have answered to their names. A quorum is present. The question is on the amendment of the Senator from Washington [Mr. BONE] to the amendment reported by the committee.

Mr. CLARK. Mr. President, it had been my intention, and that of the Senator from Washington and other Senators interested in the amendment which he offered, to request a record vote upon the amendment, not with the idea that the

amendment would be successful at this time but with the idea of developing the sentiment regarding it. However, we have been assured by the able and distinguished Senator from Massachusetts [Mr. WALSH], chairman of the Committee on Naval Affairs, that he is very much interested in the facts adduced and the arguments advanced in support of the bill which the Senator from Washington has offered as an amendment, and that he will give us a hearing on the measure early in the next session of the Congress. In view of that suggestion of the Senator from Massachusetts, I do not feel that it is necessary to have a record vote at this time on the amendment.

Mr. WALSH. Mr. President, I wish to say to the able Senator from Missouri that I feel very strongly that a bill of this kind, advocated by five of the outstanding Senators of this body, should be given careful study and consideration by a standing committee of the Senate. I have an open mind on the question. I have not been able to study it. I realize its importance. It may have considerable merit. I assure the Senator that at the beginning of the next session of Congress I shall see that the Committee on Naval Affairs gives extensive hearings, so that we may be informed of the advantages and disadvantages which might accrue by the enactment of the proposed legislation.

Mr. CLARK. I thank the Senator, and with that statement I do not feel that it is necessary to delay the Senate by a record vote at this time.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. BONE] to the amendment reported by the committee.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee, as amended.

The amendment, as amended, was agreed to.

The VICE PRESIDENT. The question now is on the engrossment of the amendment.

The amendment was ordered to be engrossed and the bill to be read a third time.

The VICE PRESIDENT. The question is on the passage of the bill.

Mr. McNARY. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. KING. I have a general pair with the senior Senator from Ohio [Mr. BULKLEY] and therefore withhold my vote.

Mr. BARKLEY. I am advised that if present and voting, the Senator from Montana [Mr. MURRAY] would vote "yea."

Mr. HALE (after having voted in the negative). I transfer my general pair with the Senator from South Carolina [Mr. BYRNES] to the Senator from New Hampshire [Mr. BRIDGES] and allow my vote to stand. I am advised that if present the Senator from South Carolina would vote "yea", and the Senator from New Hampshire would vote "nay."

Mr. LEWIS. I announce that the Senator from Wisconsin [Mr. DUFFY] and the Senator from Georgia [Mr. RUSSELL] are absent in the performance of official duty as members of the committee appointed to attend the dedication of the battle monuments in France.

The Senator from North Carolina [Mr. BAILEY] is absent from the Senate because of illness.

The senior Senator from Ohio [Mr. BULKLEY], the Senator from Nebraska [Mr. BURKE], the junior Senator from Virginia [Mr. BYRD], the Senator from Oklahoma [Mr. LEE], the Senator from California [Mr. McADOO], the junior Senator from Montana [Mr. MURRAY], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Louisiana [Mr. OVERTON] are detained by departmental business.

I further announce that the junior Senator from South Carolina [Mr. BYRNES], the Senator from Illinois [Mr. DIETRICH], the senior Senator from Iowa [Mr. GILLETTE], the senior Senator from Virginia [Mr. GLASS], the Senator from Minnesota [Mr. LUNDEEN], the senior Senator from South Carolina [Mr. SMITH], and the Senator from Missouri [Mr. TRUMAN] are detained in important committee meetings.

The junior Senator from Ohio [Mr. DONAHAY], the junior Senator from Iowa [Mr. HERRING], the Senator from West



Virginia [Mr. HOLT], the Senator from Delaware [Mr. HUGHES], the Senator from Maryland [Mr. TYDINGS], the Senator from Indiana [Mr. VAN NUYS], and the senior Senator from Montana [Mr. WHEELER] are necessarily detained from the Senate.

The Senator from Delaware [Mr. HUGHES] is paired with the Senator from South Carolina [Mr. SMITH] on this question. If present and voting, the Senator from Delaware would vote "yea", and the Senator from South Carolina would vote "nay."

Mr. AUSTIN. I announce that the junior Senator from Vermont [Mr. GIBSON] has a general pair with the Senator from Wisconsin [Mr. DUFFY].

I also desire to announce the general pair of the Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Virginia [Mr. GLASS].

The result was announced—yeas 37, nays 26, as follows:

## YEAS—37

Adams	Bulow	Logan	Reynolds
Andrews	Chavez	Loneran	Schwartz
Ashurst	Ellender	Maloney	Schwellenbach
Barkley	Green	Minton	Sheppard
Berry	Guffey	Moore	Smathers
Bilbo	Harrison	Neely	Thomas, Utah
Black	Hatch	Pepper	Wagner
Bone	Hitchcock	Pittman	
Brown, Mich.	Johnson, Colo.	Pope	
Brown, N. H.	La Follette	Radcliffe	

## NAYS—26

Austin	Davis	Lodge	Thomas, Okla.
Borah	Frazier	McCarran	Townsend
Capper	George	McGill	Vandenberg
Caraway	Gerry	McKellar	Walsh
Clark	Hale	McNary	White
Connally	Johnson, Calif.	Nye	
Copeland	Lewis	Steiwer	

## NOT VOTING—32

Bailey	Donahey	Hughes	Overton
Bankhead	Duffy	King	Russell
Bridges	Gibson	Lee	Shipstead
Bulkley	Gillette	Lundeen	Smith
Burke	Glass	McAdoo	Truman
Byrd	Hayden	Murray	Tydings
Byrnes	Herring	Norris	Van Nuys
Dieterich	Holt	O'Mahoney	Wheeler

So the bill (S. 1567) was passed.

The title was amended so as to read: "A bill authorizing the conservation, production, exploitation, and sale of helium gas, a mineral resource pertaining to the national defense and to the development of commercial aeronautics, authorizing the acquisition, by purchase or otherwise, by the United States of properties for the production of helium gas, and for other purposes."

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 2520. An act declaring Bayou Savage, also styled Bayou Chantilly, in the city of New Orleans, La., a nonnavigable stream; and

S. 2639. An act to authorize the Secretary of War to lease the Fort Schuyler Military Reservation, N. Y.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2260) to provide for appearance on behalf of and appeal by the United States in certain cases in which the constitutionality of acts of Congress is involved.

The message further announced that the House had passed a bill (H. R. 8046) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and to repeal section 76 thereof and all acts and parts of acts inconsistent therewith, in which it requested the concurrence of the Senate.

## HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 7415. An act to increase the rates of pay for charmen and charwomen in the custodial service of the Post Office Department; to the Committee on Post Offices and Post Roads;

H. R. 7950. An act to amend the District of Columbia Alcoholic Beverage Control Act; to the Committee on the District of Columbia;

H. R. 6963. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and

H. R. 8046. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and to repeal section 76 thereof and all acts and parts of acts inconsistent therewith; to the Committee on the Judiciary.

## PREVENTION OF AND PUNISHMENT FOR LYNCHING

Mr. WAGNER. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 814, the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from New York.

Mr. BARKLEY. Mr. President, I merely wish to state that in an effort to arrange a tentative program for today, preliminary to taking up the sugar bill tomorrow, it had been understood that the Senator from Utah [Mr. KING] would be recognized to call up the District of Columbia airport bill, the Senator from Massachusetts [Mr. WALSH] to take up a Navy housing bill, and the Senator from Texas [Mr. SHEPPARD] to take up an Army housing bill today. We have spent more time on the helium bill than was contemplated. It was understood the Senator from Utah [Mr. KING] would be recognized to call up the airport bill when the helium bill was disposed of.

The VICE PRESIDENT. The Senator from Kentucky will permit the present occupant of the chair to state that he had been so informed by the Senator from Kentucky. When the helium bill was passed and the title was amended, the Chair looked around and tried to find either one of the Senators referred to standing. None was standing, but the Senator from New York [Mr. WAGNER] was on his feet and demanding recognition. That is the reason why the Chair could not recognize any other Senator.

Mr. BARKLEY. The Senator from Kentucky is not in any way blaming the Vice President for the situation.

The VICE PRESIDENT. The Chair wants not only the Senator from Kentucky but the entire membership of the Senate to understand that it is the duty of the Chair, as he understands it in this body, differing from what it is in the other body, to recognize the Senator who is addressing the Chair. When three Senators are on their feet demanding recognition, the Chair has the privilege of choosing the one to recognize; but when only one Senator is standing and demanding recognition, the Chair has no choice. When the present occupant of the chair was the presiding officer of another body, he could recognize a member in his seat and ask him to stand up. [Laughter.]

Mr. WAGNER. Mr. President, I regard this bill as one of the very important bills of the session. I do not want to disarrange any program, but I shall not yield on this proposal. I am entitled, as a Senator of the United States, to recognition. I am entitled to make the motion. The bill has been on the calendar since early in the session. It was reported by the Judiciary Committee. Other bills which have been reported out later than this one have received prior consideration. I am entitled to its consideration at this time. All I am asking is that the Senate vote on my motion. Senators are familiar with the bill, and I shall be content with whatever the Senate may decide. If my motion is defeated, very well; I shall accede to the judgment of the Senate. I do not believe a bill of this importance, affecting orderly and civilized society, ought to be set aside.



I should be permitted to make the motion at a time when it is known there will be an opportunity for its consideration.

Mr. CONNALLY and Mr. BARKLEY addressed the Chair.

The VICE PRESIDENT. Does the Senator from New York yield; and if so, to whom?

Mr. WAGNER. All I ask is that I may have a vote upon the motion which I have made. Surely, no one will object to that.

I yield first to the Senator from Kentucky.

Mr. BARKLEY. Did the Senator from New York, a few days ago, when this matter was offered as an amendment on another bill, understand that I undertook at that time to assure the Senator that, so far as I was concerned, he would be afforded an opportunity to make the motion which he has now made, but that, in view of the legislative situation, it was desirable that it be made at a time when it would not inject itself ahead of other measures which were of an emergent nature, there being no emergent nature attached to the particular bill now under discussion? If the Senator did so understand me to say that, did he in any way doubt that I would carry out my word in the matter?

Mr. WAGNER. I have not any doubt the Senator will carry out his word except that I have a duty to perform to the people affected by the proposed legislation, especially when the overwhelming sentiment of the United States is in favor of the bill. I would be derelict in my duty as one of the sponsors of the bill if I permitted it to be postponed to a time when no consideration could be given to it because the end of the session was at hand and Senators desired to get away.

Mr. BARKLEY. I desire to clarify the situation. So far as I am concerned, I have not any objection to the bill being taken up when it can be considered on its merits and free from entanglement with other proposed legislation or the legislative program. I have no desire to delay consideration of the measure. We all understand it is a controversial bill. No one knows how long it may take to consider it and bring it to a vote. The whole program of the session may be involved.

I simply wanted to say, in view of the situation, that it seems a little—I shall not say unfair, because I would not impute unfairness to the Senator, but it is unfortunate at this particular juncture that an exceedingly controversial matter should be brought forward now. Every assurance has been given the Senator that the bill will be considered. So far as I am concerned, I have no desire to delay it for a moment beyond the course that bills usually take when they come in on the calendar under the conditions surrounding the legislative program.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. CLARK. Does not the Senator think, with reference to the remarks of the Senator from Kentucky as to whether this is an emergency measure, that the fact that during the time the bill has been pending in the Congress at this session several extremely shocking lynchings have taken place in the United States while the Congress was waiting for other legislation to be reported, should have a bearing on the consideration of the bill at this time?

Mr. WAGNER. I so regard it. It has been on the calendar of the Senate for several months.

The VICE PRESIDENT. The Chair may suggest that if the bill is made the unfinished business, then if it is agreeable to the Senate it could be laid aside temporarily for the consideration of other measures.

Mr. WAGNER. I should object to doing that. I am simply moving now that the bill be taken up for consideration by the Senate.

Mr. McNARY. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Oregon?

Mr. WAGNER. I yield for a question.

Mr. McNARY. I shall try to fashion my observation in the form of a question; but I rise to say that I am in hearty accord with the observations of the Vice President. The Senator from New York [Mr. WAGNER] was first on his

feet. I desire to state further that it is too bad when programs go awry; but they are based only on custom and practice, and have no sanction in the rules.

I shall object to any effort to withdraw the motion. It can be done only by unanimous consent.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. BORAH. I desire to propound a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BORAH. Is not the motion to take up the bill debatable?

The VICE PRESIDENT. It is.

Mr. BORAH. Then when the Senator from New York concludes, I desire to debate it.

Mr. CONNALLY. Mr. President, will the Senator from New York yield?

Mr. WAGNER. I yield.

Mr. CONNALLY. I desire to ask the Senator from New York a very plain question.

I am sure the Senator from New York does not wish to disrupt the regular legislative program of the administration. He is aware, is he not, of certain important measures, such as the sugar-control bill, the bill plugging up the loopholes in the income-tax and other laws, and a very great number of other important measures which this session of Congress ought to enact?

The Senate and the Congress have been very kind to the Senator from New York in the passage of a number of his legislative measures at this session; and to use what I hope is not an offensive term, it seems to me it is very ungracious on the part of the Senator from New York now to insist that this program be disrupted and held up in a seemingly mad contest between the two Senators from New York as to which one can speak oftener and more loudly on this bill.

Mr. COPELAND. Mr. President, will my colleague yield?

Mr. WAGNER. Yes.

Mr. COPELAND. I read in the newspapers this morning—that is all I know about what is going on—that we are going to be here until the 21st of August; so we might just as well take up this bill now and deal with it.

I hope my colleague will not yield.

Mr. WAGNER. Mr. President, I think this is an important piece of legislation, and I am sure a reasonable discussion of it should not take more than 2 or 3 days. Then we can take up these other matters, but at the present time I shall insist upon my motion, and when the time comes to vote I shall ask that there be a roll call upon it.

Mr. BARKLEY. I move that the Senate adjourn.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. NEELY in the chair). The Senator will state it.

Mr. CLARK. The motion made by the Senator from New York [Mr. WAGNER] is displaced, is it not, if the motion made by the Senator from Kentucky [Mr. BARKLEY] to adjourn shall prevail?

Mr. CONNALLY. Mr. President, I make the point of order that a motion to adjourn is not debatable.

Mr. CLARK. Mr. President, a parliamentary inquiry.

Mr. CONNALLY. I make the point of order, Mr. President, that a motion to adjourn is not open to debate.

Mr. CLARK. Mr. President, I rise to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Missouri [Mr. CLARK] has made a point of order, which he will proceed to state, and until he has concluded his statement other Senators will please take their seats.

Mr. CLARK. I desire to make a parliamentary inquiry to this effect: If a motion to adjourn should now be carried, it would automatically operate to displace the motion heretofore made by the Senator from New York [Mr. WAGNER] to take up the antilynching bill, would it not?

The PRESIDING OFFICER. It would.



Mr. CLARK. If a motion to recess should be made and carried, it would not displace the pending business?

The PRESIDING OFFICER. It would not.

Mr. WAGNER. Mr. President, a parliamentary inquiry.

Mr. CONNALLY. I make the point of order, Mr. President, that debate is not allowable on the motion to adjourn.

Mr. WAGNER. Mr. President, may I make a parliamentary inquiry?

The VICE PRESIDENT. The Senator from New York will state the parliamentary inquiry.

Mr. WAGNER. If the Senate now should vote to adjourn, would not that have the effect of dissolving the motion I made a few moments ago?

The VICE PRESIDENT. It would.

Mr. WAGNER. And may I ask the Chair if I am correct in assuming that if that motion should be defeated, and a motion should be made to recess and should prevail, my motion would carry over?

The VICE PRESIDENT. That is correct.

Mr. WAGNER. I raise the question of no quorum.

The VICE PRESIDENT. The clerk will call the roll.

Mr. CONNALLY. I make the point of order that action on the motion to adjourn does not require a quorum.

Mr. CLARK. I ask for the yeas and nays on the motion to adjourn.

The VICE PRESIDENT. The Chair did not understand the parliamentary situation. Has a motion been made to adjourn?

Mr. BARKLEY. Yes.

The VICE PRESIDENT. A quorum is not required to act upon that motion.

Mr. WAGNER. I ask for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. DAVIS (after having voted in the negative). I have a general pair with the junior Senator from Kentucky [Mr. LOGAN]. Not knowing how he would vote, I transfer my pair to the junior Senator from New Hampshire [Mr. BRIDGES] and permit my vote to stand.

Mr. BYRNES (after having voted in the affirmative). I have a general pair with the senior Senator from Maine [Mr. HALE]. I transfer that pair to the junior Senator from Georgia [Mr. RUSSELL] and let my vote stand.

Mr. AUSTIN. I desire to announce that the Senator from Vermont [Mr. GIBSON] has a general pair with the Senator from Wisconsin [Mr. DUFFY]; and the Senator from Minnesota [Mr. SHIPSTEAD] has a general pair with the Senator from Virginia [Mr. GLASS].

Mr. BARKLEY. The Senator from Massachusetts [Mr. WALSH] is unavoidably detained. If present, he would vote "nay."

Mr. LEWIS. I desire to announce that the Senator from North Carolina [Mr. BAILEY] is detained because of illness.

The Senator from Wisconsin [Mr. DUFFY] and the Senator from Georgia [Mr. RUSSELL] are absent on official business connected with the duties of the Battle Monuments Commission in France.

The following-named Senators are necessarily detained:

The Senator from Washington [Mr. BONE], the Senator from Nebraska [Mr. BURKE], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Ohio [Mr. DONAHEY], the Senator from Georgia [Mr. GEORGE], the Senator from Iowa [Mr. GILLETTE], the Senator from Virginia [Mr. GLASS], the Senator from Iowa [Mr. HERRING], the Senator from West Virginia [Mr. HOLT], the Senator from Delaware [Mr. HUGHES], the Senator from Kentucky [Mr. LOGAN], the Senator from California [Mr. McADOO], the Senator from Montana [Mr. MURRAY], the Senator from Louisiana [Mr. OVERTON], the Senator from South Carolina [Mr. SMITH], the Senator from Missouri [Mr. TRUMAN], the Senator from Maryland [Mr. TYDINGS] and the Senator from Montana [Mr. WHEELER].

The result was announced—yeas 27, nays 35, as follows:

## YEAS—27

Adams	Brown, Mich.	Hatch	Radcliffe
Andrews	Byrd	Johnson, Colo.	Reynolds
Austin	Byrnes	King	Schwartz
Barkley	Caraway	McCarran	Sheppard
Bilbo	Connally	McKellar	Thomas, Utah
Black	Ellender	O'Mahoney	Vandenberg
Borah	Harrison	Pittman	

## NAYS—35

Ashurst	Dieterich	Lodge	Pepper
Berry	Gerry	Loneragan	Pope
Brown, N. H.	Green	Lundeen	Schwellenbach
Bulkley	Guffey	McGill	Smathers
Bulow	Hitchcock	McNary	Thomas, Okla.
Capper	Johnson, Calif.	Maloney	Townsend
Clark	La Follette	Minton	Van Nuys
Copeland	Lee	Moore	Wagner
Davis	Lewis	Neely	

## NOT VOTING—33

Bailey	George	Logan	Steinwer
Bankhead	Gibson	McAdoo	Truman
Bone	Gillette	Murray	Tydings
Bridges	Glass	Norris	Walsh
Burke	Hale	Nye	Wheeler
Chavez	Hayden	Overtton	White
Donahey	Herring	Russell	
Duffy	Holt	Shipstead	
Frazier	Hughes	Smith	

So the Senate refused to adjourn.

## RECESS

Mr. McNARY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McNARY. Is a motion to take a recess debatable?

The VICE PRESIDENT. It is not.

Mr. McNARY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

Mr. HARRISON. Mr. President, is the motion debatable?

The VICE PRESIDENT. It is not.

The question is on the motion of the Senator from Oregon that the Senate take a recess until 12 o'clock noon tomorrow.

Mr. McNARY and Mr. BARKLEY demanded the yeas and nays, and they were ordered.

The legislative clerk proceeded to call the roll.

Mr. DAVIS (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. LOGAN]. I transfer that pair to the junior Senator from New Hampshire [Mr. BRIDGES], and will vote. I vote "yea."

Mr. BARKLEY (when Mr. WALSH's name was called). The Senator from Massachusetts [Mr. WALSH] is unavoidably detained. If present, he would have voted "yea" on this motion.

The roll call was concluded.

Mr. AUSTIN. I desire to announce the following pairs on this question:

The Senator from Vermont [Mr. GIBSON] with the Senator from Wisconsin [Mr. DUFFY]; and

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Virginia [Mr. GLASS].

I also desire to announce that the Senator from New Hampshire [Mr. BRIDGES] is necessarily absent. If present, he would have voted "yea" on this question.

The Senator from Maine [Mr. WHITE], the Senators from North Dakota [Mr. FRAZIER and Mr. NYE], and the Senator from Oregon [Mr. STEINWER] are unavoidably absent on official business.

The result was announced—yeas 36, nays 23, as follows:

## YEAS—36

Ashurst	Copeland	Lewis	Pope
Austin	Davis	Lodge	Radcliffe
Berry	Dieterich	Loneragan	Schwellenbach
Brown, Mich.	Gerry	McGill	Smathers
Brown, N. H.	Guffey	McNary	Thomas, Utah
Bulkley	Hitchcock	Maloney	Townsend
Bulow	Johnson, Calif.	Minton	Vandenberg
Capper	Johnson, Colo.	Moore	Van Nuys
Clark	La Follette	Neely	Wagner

## NAYS—23

Adams	Connally	Lee	Pittman
Barkley	Ellender	Lundeen	Reynolds
Bilbo	Green	McCarran	Schwartz
Black	Harrison	McKellar	Sheppard
Byrd	Hatch	O'Mahoney	Thomas, Okla.
Caraway	King	Pepper	



## NOT VOTING—38

Andrews	Donahey	Herring	Russell
Bailey	Duffy	Holt	Shipstead
Bankhead	Frazier	Hughes	Smith
Bone	George	Logan	Steiwer
Borah	Gibson	McAdoo	Truman
Bridges	Gillette	Murray	Tydings
Burke	Glass	Norris	Walsh
Byrnes	Hale	Nye	Wheeler
Chavez	Hayden	Overton	White

So Mr. McNARY's motion was agreed to; and (at 5 o'clock and 44 minutes p. m.) the Senate took a recess until tomorrow, Thursday, August 12, 1937, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, AUGUST 11, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed be Thou, O Lord, our Father, by whose mercy we are permitted to greet the blessings of another day; at the altar of prayer accept our tribute of praise. Open our hearts to see the splendor of Thy law; make us seekers, examples, and lovers of Thy truth. Hide not Thy face from Thy servants, but bless them with the peace, purity, and joy of the Lord. O give us all visions and hours in the sacred things of God. Graciously be with all churches with their priesthood, with all schools with their teachers. Let Thy spirit work mightily in them that the things fair and perfect shall become possible. The Lord God be with the youth of our land. As parents may we be in haste to give them the best that we have and to do for them the best that we know. Heavenly Father, be Thou the center and the theme of our affections. In the holy name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with an amendment, in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H. J. Res. 406. Joint resolution to establish the General Anthony Wayne Memorial Commission to formulate plans for the construction of a permanent memorial to the memory of Gen. Anthony Wayne.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1261. An act to amend the Interstate Commerce Act, as amended, and for other purposes;

S. 2583. An act to provide for the acquisition of certain lands for and the addition thereof to the Tahoe National Forest, in the State of Nevada, and the acquisition of certain other lands for the completion of the acquisition of the remaining lands within the limits of the Great Smoky Mountains National Park, in east Tennessee;

S. 2670. An act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes; and

S. J. Res. 191. Joint resolution to protect foreign diplomatic and consular officers and the buildings and premises occupied by them in the District of Columbia.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2260), entitled "An act to provide for appearance on behalf of and appeal by the United States in certain cases in which the constitutionality of acts of Congress is involved."

The message also announced that the Senate insists upon its amendments to the joint resolution (H. J. Res. 363) entitled "Joint resolution to authorize an additional appropri-

tion to further the work of the United States Constitution Sesquicentennial Commission", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. VAN NUYS, Mr. BURKE, and Mr. BORAH to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7051) entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

## THE NATIONAL HOUSING BILL

Mr. DEMUTH. Mr. Speaker, I ask unanimous consent that I may address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DEMUTH. Mr. Speaker and Members of the Congress, because of the fact that I have had much experience as a construction engineer, builder, real-estate operator, as an appraiser for the Home Owners' Loan Corporation, as an appraiser for the State Banking Department of Pennsylvania, Division of Closed Building and Loans, and as property assessor for the city of Pittsburgh, it naturally follows that I have certain ideas and opinions which should be of value to this Congress in trying to correct the evils existing today in housing. Slums, to a great extent, may be eliminated by legislation and proper cooperation on the part of municipalities and the individuals occupying the living quarters.

If a building is structurally sound and has proper sanitary arrangements and conditions as pertain to light and ventilation are adequate, then the quarters are healthful for human beings to occupy. The occupants of a quarters may make them insanitary, and I wish to point out the very important part played in the healthful condition of a building is that of cleanliness on the part of the occupant. In other words, the use of soap and water and a little energy, known as elbow grease, will render any quarters sanitary and livable, and the lack of their use will contaminate a dwelling and also may result in the contamination of an entire apartment building or tenement. As you all know, vermin, bugs, and disease are most readily carried through a building housing many families. It should be further pointed out that a family occupying an individual home, the living conditions affect only that particular dwelling.

One weakness of the Wagner-Steagall bill, in my estimation, is that it is discriminatory in that it endeavors to supply money at a 3-percent interest rate and also free taxes to the occupants of the buildings they propose to erect. You will agree that no tenants will be accepted who do not have steady employment at sufficient wages to pay the proposed rent, however low it may be. On the other hand, the owner of a house whose mortgage is held by the Home Owners' Loan Corporation or private agency pays 5- or 6-percent interest and taxes on the land as well as on the building, even though the owner of the said home may have no work or his income may be lower than those who will occupy the proposed buildings.

Secondly, the bill encourages and fosters land monopoly, because it will no doubt authorize payment of high ground rent—that is, interest on the excessive value of the land—and will encourage the ownership of land in the hands of a few and the exploitation of the many. It must be noted that land values, while created by the public, are claimed by the individual. You thereby act as collecting agent for this illicit ground rent.

Thirdly, the cost of the project when the present buildings are demolished becomes excessively high, because the cost of the demolished buildings are added to the cost of the land. But in addition to that, from the experience gained through other building projects recently completed by the



Government, the cost ran as high as \$1 a cubic foot, whereas the Home Owners' Loan Corporation in the State of Pennsylvania had a rule whereby in no instance was a home to be appraised more than 25 cents a cubic foot. Your bill should provide that the cost of no building shall be more than 45 cents a cubic foot, which is the cost of the very finest apartment buildings built by private industries.

I wish now to call your attention to the type of tenement owners. From my experience, they can generally be put in a certain category. They buy buildings which are very old and run down, and also shacks. They do not possess pride of ownership. They never make repairs and "milk" the property without maintaining it in a state of repair or in sanitary condition. These same people will go into court and pay exorbitant witness fees in order to obtain two or three times the value of these dilapidated tenements, which in turn must be added to the ground value and carried by the United States Government or the renters of the proposed project. Due to their nature, you will find the owners of these properties most unjust, unreasonable, and unethical to deal with in arriving at a fair price for their properties which are to be cleared. In the city of Pittsburgh we have condemned and razed many buildings which were structurally unsound. I feel it should be mandatory for local governments to condemn all buildings that are unsound or insanitary. All money paid for the destruction of unsound and insanitary buildings will be taken from the amount that will be spent to reemploy working men in the building industry to whom this bill intends to give work. The amount paid for these slums should not exceed 10 cents per cubic foot.

In practically every city throughout the United States excepting New York, there are sufficient vacant lots to supply more than enough new homes to take care of any housing shortage which exists or may exist within the next 10 years.

I introduced H. R. 7691, known as the Urban Housing Security Act of 1937. The purpose of this bill is to encourage home ownership and make it secure; for the reduction of unemployment and the stimulation of business activities; to reestablish economic independency and prevent the evils of tenancy as now prevails in farm and urban communities; to promote health, to improve housing, social conditions, and the general welfare; and for other purposes.

I wish to point out that there exists in urban and rural communities throughout the United States, deplorable conditions in housing due to the exploitation and abuse of our citizens' natural desire to possess homes in which to house their families. These conditions are due to high interest rates and injurious taxation to a great extent, caused by the delegation of the authority to thousands of private agencies to create and destroy our medium of exchange which is necessary and so vital to trade and domestic commerce.

These conditions are inimical to the general welfare of the Nation on account of demoralizing the morale of our citizens by (a) the exploitation of their natural instincts and virtues; (b) discouraging home ownership; (c) speeding up the ownership of land into the hands of a few at the expense of the many; (d) fluctuating and manipulating the amount of currency and causing artificial scarcities, with the result that home ownership is impossible of continued possession, thus impairing moral, domestic, and peaceful relationship and destroying industrial and agricultural productivity.

The exploitation of our citizens' virtues and natural instincts by the failure to correct these evils has resulted in, among other things, an acute dwelling shortage; the stagnation of employment; land and dwelling monopoly; the paralysis of the Nation's business; the disturbance of domestic tranquillity; and other injurious effects upon the general welfare of the Nation.

The citizens and private industry are able to remedy this condition provided suitable legislation is passed to correct the immoral, unstable, and ruinous practices. Private industry and initiative properly controlled and fairly protected through the enterprise of our citizens was and is now able

to provide and retain continued possession of their own homes under reasonable conditions.

Under the bill, the Federal Housing Administration is given the right to make loans for the construction of individual dwellings. The mortgages shall bear an interest of 3 percent per annum on the amount of the loan and shall be further amortized annually by an amount equal to 1 percent of the original mortgage. The loan can be made in an amount up to 80 percent of the appraised value of the land and proposed building. It also provides that the Federal Housing Administration may make a character loan up to \$300 to enable the applicant to purchase a lot to initiate this program.

The bill also provides that the value of the lot shall not exceed \$1,100 nor \$35 per foot front, including paving; and the value of no dwelling constructed under the term of the act shall exceed \$5,000. The annual income of the applicant shall be at least four times the annual charge. By annual charge is meant a sum of all annual interest and amortization charges, fire insurance, and taxes on the lot.

In order that the local government may participate in the benefits they must agree to waive all county, State, municipal, or any other tax on the improvements. This waiver of taxation on the improvements shall be for a period of not less than 40 years. The home owner would continue to pay the taxes on the lot, so therefore, the local taxing communities would not lose any revenue now being collected from the land.

This bill will be of great benefit to the citizens of the country and stop the tendency toward the ownership of land in the hands of a few, which may result in the danger of returning to land feudalism as still prevails, to an extent, in many European countries.

It will be possible for the citizen to own his own lot and dwelling at a charge smaller than is possible under any tenancy housing program. At the same time it established the very desirable condition of individual sovereignty over one's own home and a better and more independent citizenry.

Under this plan the average fixed charges on a home costing \$4,000 on an \$800 lot, including taxes, amortization of the mortgage, and fire insurance, would be \$15 per month. In order to start it would require only \$660 cash or the equity of that amount in a lot.

This reduction in the cost of home-ownership will force drastic reductions in rent and the slums will be razed by their owners due to the change in conditions. [Applause.]

#### NATIONAL CORN-SHUCKING CONTEST

Mr. NELSON. Mr. Speaker, I ask unanimous consent that I may address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. NELSON. Mr. Speaker, in the heart of Missouri, on Thursday, November 4, there will be held the national corn-shucking contest. To some of my colleagues from nearby Maryland or Virginia I might explain that in my State we shuck corn instead of oysters. And those of you from Minnesota will understand if I tell you that this is the same task which you refer to as "picking" corn. To many others it is "husking" or "gathering", but to us it is "shucking." Yes; and in Missouri, the term "barrel" is often used instead of "bushel."

My object in asking permission to address the House is to extend to you, in the name of participating agricultural publications, the city of Marshall, the county of Saline, and farm, city, and commercial organizations, and the great State of Missouri, a hearty invitation to attend this greatest of all farm athletic events. There are, I believe, fewer than 10 cases where sports events have drawn as many as 100,000 people. The records, as I recall, are held by the Memorial Day auto races at Indianapolis, which one year drew 130,000. Incidentally, in 1924, when a candidate for President of the United States spoke on a Cooper County, Mo., farm the crowd was estimated at 70,000.



As to Saline County, which in a single year has produced 6,360,000 bushels of corn, and where the 1937 corn-shucking contest will be held, it is one of Missouri's greatest corn, wheat, apple, bluegrass, and livestock counties, located in the central part of the State, and surrounded by other counties of outstanding excellence. To get to the national corn-husking grounds one may fly, and find a modern flying field. Missouri's great road system radiates to this spot, in which folks from any bordering State may drive almost in a beeline over concrete. Rail connections and bus lines get one there with a minimum of changes. There is direct train service from St. Louis and Kansas City. Lastly, if your boat draws no more than 9 feet of water, you can come up the Missouri River to the town of Miami, and I am assured that when you dock you will find transportation to take you to the contest field. Air, land, or water, the road is clear and open.

Represented in the shucking contest this year will be the nine Corn Belt States of Ohio, Indiana, Illinois, Missouri, Kansas, Nebraska, South Dakota, Minnesota, and Iowa. From each State will come two shuckers, a champion and runner-up. These men will have won in their State contests, and to qualify for the State contests each will have been a county champion. It is a long, hard fight to the top.

Among my colleagues here are some who have shucked corn. You know what it is to get out before daylight, do the chores, harness the horses, and finish breakfast just as it becomes light enough to see. Then to the barn, the hitching up of the team, and the rattle of the wagon as the spirited team on the nippy morning goes at a trot to the cornfield. You recall how the shucker jumps out, hands perhaps a bit numb and body chilly. Adjusting his peg or hook, he sails into the job, taking two rows at a time, and makes the ears fly. He has good control, hitting the bang board with never a glance at it. I might explain that the bang board is a stack of sideboards, sometimes 3 to 5 feet high, placed on the far side of the wagon box. It is against this that the ears hit and fall back into the wagon.

How much does a champion shucker shuck? The contest runs for 80 minutes. It is the most gruelling and exhaustive sport of any at the present time. Back in the days of 50 to 75 rounds in a prize ring it may have required as much stamina to stay the contest through. But it is more exhausting than football or any other sport of the present time. The shucker has no time out, except on his own. He may have water, but on his own time. He runs his own interference. He makes all his own tackles. He has a referee constantly behind him. What ears he throws over the wagon or misses are picked up by gleaners, and for each pound of corn missed he is penalized 3 pounds. He is allowed 5 ounces of shucks to 100 pounds of corn, but all in excess of this brings a penalty for "dirty shucking."

The world record for shucking is 42.5 bushels in 80 minutes. It was made 2 years ago by Elmer Carlson, a young Iowa farmer in an Indiana cornfield. To make such a record Carlson had to shuck ears at the rate of better than 40 a minute. That is about as fast as a city man thinks he could shuck corn. It is faster than most of us could throw it in the wagon, for 80 minutes, if the corn were already shucked. It is seldom, in good corn, that a State champion shucks less than 30 bushels—six barrels, or a full wagon-load—in the 80 minutes.

All State champions have their followers on contest day, some with hundreds of boosters, or even bands. Between the "lands" for each shucker are a number of rows that have been shucked and leveled down to permit the crowds to watch their favorites. As many as 5,000 persons have lined one of these "lands" to watch their man pass and to cheer him on.

So important has the national shucking contest become that one of our largest broadcasting systems has a tower on the contest field and reports the "game", and for the last several years has been giving radio listeners an "ear by ear" account of the contest, with the tattoo of the ears of corn against the bangboard plainly audible. Many stations which take the baseball world series have been carrying the broad-

cast of agriculture's "world series" of the cornfield. If another name is wanted for it, call it the bangboard derby, but for attendance it eclipses any derby.

The contest is not a money-making affair. There are no admission charges. The late Will Rogers, though, commenting on a similar event held in Missouri a decade ago, wrote:

I see where they are having a national shucking contest out in Missouri. If those farmers had enough sense to build a stadium and charge \$2.50 admission, we'd never hear any more about farm relief.

Another fact about these cornfield contests is a source of satisfaction. Farmers may differ in habits of thinking, in ways of running their farms, and on how a farm bill should be written, as those of us on the House Agriculture Committee know. However, deeply ingrained in their natures is one characteristic which has played an important part in our Nation's stability. A friend who has attended practically all of the 13 national contests tells me that of the 750,000 persons who have attended, he has known of no disorder.

Of late weeks we have been hearing much about which State grows the tallest corn. One of Missouri's sister States even sings about the distinction, while the Washington Post of today pictures on the front page a stalk of Virginia corn measuring more than 16 feet. I make no boasts, but will tell you that Missouri's corn is plenty tall. It meets the ideal measure as suggested when Douglas, in asking Lincoln how long a man's legs ought to be, was told, "Long enough to reach from his body to the ground." The business of a stalk is not to serve as a lightning rod but as a support for ears of corn so placed as to be within reach of the husker. Instead of wanting so much height of stalk, our farmers are striving for more and better ears, trying to get nature to see that effort put into grain is more profitable. We prefer 14-inch ears to 18-foot stalks.

Aided by sufficient rains, Missouri's corn prospects this year are the finest we have had in a long time. The heavy ears, borne down by their own weight, point not toward the stars, but to the dark, deep, rich soil from which they spring. This means not only that prosperity is returning by way of full cribs, but it means that we will present this fall a cornfield for the national shucking contest that will, in golf terms, be one of the swankiest courses over which a shuck-ripping son of the soil has ever played.

Again I wish to repeat that "you all"—that's good Missouri, if you please—have an invitation to the fourteenth national corn-shucking contest. It will give you a glimpse of how the idea of a young Iowa editor, now Secretary of Agriculture, has grown. Just as fishermen often tell of how the biggest one got away but have no proof, corn shuckers often told of cribbing 150 bushels a day. It has been done, but proof was desirable. Henry A. Wallace thereupon started the shucking contests, and other States joined until now the competition covers the Corn Belt.

Come to this corn-shucking contest. You are assured a genuine Missouri welcome. Come to Missouri, a central Mississippi Valley State far enough south for hospitality and far enough north for hustle. Incidentally, I hope that in seeing this contest all will have a better appreciation of the task of garnering this Nation's greatest crop, this year estimated at more than 2,500,000,000 bushels, the crop that is the forerunner of the country's choicest pork chops, and which is necessary to prepare for consumption the luscious steaks which are supposed to be served up here in the East. It means dairy feed for herds throughout the Nation, poultry feeds used from California to Maine; hominy and breakfast food, cornmeal in which to roll souse or Missouri catfish for frying; starch for shirts and pudding, and not least of all, "Missouri meerschaums", the pipes of peace.

Yes, a bounteous corn crop means prosperity for our entire Nation. True, the huge task of garnering this crop means weary hours of work. But there is a more pleasant side to it as well, many pleasant sides, one of which is this sports event which will start when President Roosevelt, on the forenoon of November 4, will, through the cooperation of a telegraph company, press the key which will fire the opening gun in a Saline County, Mo., cornfield. [Applause.]



J. A. TIPPIT ET AL.

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to file a supplemental report on the bill (H. R. 6087) to amend an act entitled "An act authorizing the Court of Claims to hear, consider, adjudicate, and enter judgment upon the claims against the United States of J. A. Tippit, L. P. Hudson, Chester Howe, J. E. Arnold, Joseph W. Gillette, J. S. Bounds, W. N. Vernon, T. B. Sullivan, J. H. Neill, David C. McCallib, J. J. Beckham, and John Toles."

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

## EXTENSION OF REMARKS

Mr. DIRKSEN asked and was given permission to extend his own remarks in the RECORD.

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, giving the reasons for immediate action to stabilize the price of cotton, and to include therein a table of statistics from the Department of Agriculture showing the effect of the loans made in 1933, 1934, and 1935.

Mr. DIES. Reserving the right to object, Mr. Speaker, will this table show that at 10 cents a pound the American cotton farmer will be getting less than he did under President Hoover?

Mr. LUTHER A. JOHNSON. The table will show a complete analysis of what the prices were during 1933 to this time.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement from the president of the New England Council on the question of flood control.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## HARMONY DINNER

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, may I call the attention of the Members of the House of Representatives to an article in this morning's Post concerning the harmony dinner given last night, and the large picture accompanying the article? [Applause.] Do not take all my time by applause. [Laughter and applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. RICH. Mr. Speaker, surely the Chair will not permit that applause to be taken out of my time. It was so precious and the party evidently by the looks of the set-up of the tables was or must have been hilarious.

The SPEAKER. The Chair will recognize the gentleman for an additional half minute.

Mr. RICH. I thank the Speaker.

May I call attention to the fact that the President of the United States was not present at the harmony dinner although he was invited, at least I cannot see him in the picture. May I further call attention to the statement by Senator COPELAND that—

The President himself does more in 5 minutes to destroy party harmony than can be reestablished in a generation by Jefferson Island picnics and peace dinners.

O Mr. Speaker, the harmony dinner by the looks of this picture I hold in my hand from this morning's Post, certainly would cause anyone to drown their sorrows, and after the dinner when all became quiet and peaceful, the Democrats in the Senate and the new dealers of the Senate could return to their abodes with full stomachs and light hearts.

[Here the gavel fell.]

## EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including a letter written by me.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

(Mr. SABATH asked and was given permission to extend his own remarks in the RECORD.)

## FORT SCHUYLER MILITARY RESERVATION, N. Y.

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for immediate consideration the bill (S. 2639) to authorize the Secretary of War to lease the Fort Schuyler Military Reservation, N. Y.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. FISH. Mr. Speaker, reserving the right to object, is the gentleman going to discuss the measure?

Mr. FITZPATRICK. This is for the New York State Merchant Marine Academy. The bill was drafted by the War Department. It passed the Senate unanimously and was unanimously reported out by the House committee. There are some very expensive improvements now being made by the State of New York on this reservation. It is desired to extend the lease for a longer period.

Mr. FISH. As I understood the reading of the bill, this is an authorization to lease certain Government property?

Mr. FITZPATRICK. Yes; the State of New York already has such a lease. This bill gives it the privilege of leasing the reservation for an additional period of time.

Mr. FISH. The point I want to make sure of is, does the leasing of Government property require an act of Congress?

Mr. FITZPATRICK. Not unless the lease is for over 5 years. Property can be leased for 5 years.

The State of New York is now making extensive improvements at Fort Schuyler. For that reason they would like a new lease for a longer period than 5 years.

Mr. FISH. Evidently, from a reading of the bill, the leasing of Government property requires an act of Congress.

Mr. FITZPATRICK. Yes; if it is for a longer period than 5 years.

Mr. FISH. Now, I want to know whether that applies to the leasing of American battleships and destroyers to Brazil.

Mr. FITZPATRICK. I do not know anything about the leasing of battleships and destroyers, but I do know that the War Department has the power now to lease War Department property for 5 years only.

Mr. FISH. Does the gentleman know whether the Navy Department has the same right and whether battleships can be leased to foreign nations?

Mr. FITZPATRICK. I could not tell the gentleman about that.

Mr. McFARLANE. Mr. Speaker, reserving the right to object, can the gentleman explain the bill and tell us how much money is involved in the expenditures for improvements?

Mr. FITZPATRICK. There is a report from the House Military Affairs Committee explaining the bill, and I may state to the gentleman that not a cent is involved insofar as the United States Government is concerned. The New York State Merchant Marine Academy is in there now and is making the improvements. It will not cost the Government a cent. The War Department drew up this bill.

Mr. McFARLANE. The gentleman has just stated that the bill is necessary because of the extensive improvements they expect to make.

Mr. FITZPATRICK. The State of New York is making them and not the United States Government.

Mr. McFARLANE. So the Federal Government will not be out any money whatever.

Mr. FITZPATRICK. Not one cent.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. FITZPATRICK]?



There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized to lease to the State of New York, for nautical education purposes in the interests of national defense, the Fort Schuyler Military Reservation, N. Y., or portions thereof, for such term or terms, and upon such conditions as the Secretary of War may deem advisable, and he may authorize the State of New York incident to making the premises suitable for occupancy to change the contour of the land, alter or demolish existing buildings and other structures, erect new buildings and structures, construct roads and other utilities, and landscape the reservation: *Provided*, That all alterations, construction, and improvements made shall become the property of the United States: *Provided further*, That the consideration for said lease or leases shall be the repair and maintenance of the property by the State of New York in accordance with the terms of the lease, and such lease or leases shall reserve to the United States of America the right to resume possession and occupy said premises or any portion thereof whenever in the judgment of the Secretary of War an emergency exists that requires the use and appropriation of the same for the public defense.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill was laid on the table.

#### COURT REFORM AND JUDICIAL PROCEDURE

Mr. SUMNERS of Texas. Mr. Speaker, I call up the conference report on the bill (H. R. 2260) to provide for the appearance on behalf of and appeal by the United States in certain cases in which the constitutionality of acts of Congress is involved, and, Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk proceeded to read the statement.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2260) to provide for appearance on behalf of and appeal by the United States in certain cases in which the constitutionality of Acts of Congress is involved, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

"That whenever the constitutionality of any Act of Congress affecting the public interest is drawn in question in any court of the United States in any suit or proceeding to which the United States, or any agency thereof, or any officer or employee thereof, as such officer or employee, is not a party, the court having jurisdiction of the suit or proceeding shall certify such fact to the Attorney General. In any such case the court shall permit the United States to intervene and become a party for presentation of evidence (if evidence is otherwise receivable in such suit or proceeding) and argument upon the question of the constitutionality of such Act. In any such suit or proceeding the United States shall, subject to the applicable provisions of law, have all the rights of a party and the liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the constitutionality of such Act.

"Sec. 2. In any suit or proceeding in any court of the United States to which the United States, or any agency thereof, or any officer or employee thereof, as such officer or employee, is a party, or in which the United States has intervened and become a party, and in which the decision is against the constitutionality of any Act of Congress, an appeal may be taken directly to the Supreme Court of the United States by the United States or any other party to such suit or proceeding upon application therefor or notice thereof within thirty days after the entry of a final or interlocutory judgment, decree, or order; and in the event that any such appeal is taken, any appeal or cross-appeal by any party to the suit or proceeding taken previously, or taken within sixty days after notice of an appeal under this section, shall also be or be treated as taken directly to the Supreme Court of the United States. In the event that an appeal is taken under this section, the record shall be made up and the case docketed in the Supreme Court of the United States within sixty days from the time such appeal is allowed, under such rules as may be prescribed by the proper courts. Appeals under this section shall be heard by the Supreme Court of the United States at the earliest possible time and shall take precedence over all other matters not of a like character. This

section shall not be construed to be in derogation of any right of direct appeal to the Supreme Court of the United States under existing provisions of law.

"Sec. 3. No interlocutory or permanent injunction suspending or restraining the enforcement, operation, or execution of, or setting aside, in whole or in part, any Act of Congress upon the ground that such Act or any part thereof is repugnant to the Constitution of the United States shall be issued or granted by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, unless the application for the same shall be presented to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a circuit judge. When any such application is presented to a judge, he shall immediately request the senior circuit judge (or in his absence, the presiding circuit judge) of the circuit in which such district court is located to designate two other judges to participate in hearing and determining such application. It shall be the duty of the senior circuit judge or the presiding circuit judge, as the case may be, to designate immediately two other judges from such circuit for such purpose, and it shall be the duty of the judges so designated to participate in such hearing and determination. Such application shall not be heard or determined before at least five days' notice of the hearing has been given to the Attorney General and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the petitioner unless a temporary restraining order is granted, the judge to whom the application is made may grant such temporary restraining order at any time before the hearing and determination of the application, but such temporary restraining order shall remain in force only until such hearing and determination upon notice as aforesaid, and such temporary restraining order shall contain a specific finding, based upon evidence submitted to the court making the order and identified by reference thereto, that such irreparable loss or damage would result to the petitioner and specifying the nature of the loss or damage. The said court may, at the time of hearing such application, upon a like finding, continue the temporary stay or suspension, in whole or in part, until decision upon the application. The hearing upon any such application for an interlocutory or permanent injunction shall be given precedence and shall be in every way expedited and be assigned for a hearing at the earliest practicable day. An appeal may be taken directly to the Supreme Court of the United States upon application therefor or notice thereof within thirty days after the entry of the order, decree, or judgment granting or denying, after notice and hearing, an interlocutory or permanent injunction in such case. In the event that an appeal is taken under this section, the record shall be made up and the case docketed in the Supreme Court of the United States within sixty days from the time such appeal is allowed, under such rules as may be prescribed by the proper courts. Appeals under this section shall be heard by the Supreme Court of the United States at the earliest possible time and shall take precedence over all other matters not of a like character. This section shall not be construed to be in derogation of any right of direct appeal to the Supreme Court of the United States under existing provisions of law.

"Sec. 4. Section 13 of the Judicial Code, as amended (U. S. C., 1934 edition, title 28, sec. 17), is hereby amended to read as follows:

"Sec. 13. Whenever any district judge by reason of any disability or absence from his district or the accumulation or urgency of business is unable to perform speedily the work of his district, the senior circuit judge of that circuit, or, in his absence, the circuit justice thereof, shall designate and assign any district judge of any district court within the same judicial circuit to act as district judge in such district and to discharge all the judicial duties of a judge thereof for such time as the business of the said district court may require. Whenever it is found impracticable to designate and assign another district judge within the same judicial circuit as above provided and a certificate of the needs of any such district is presented by said senior circuit judge or said circuit justice to the Chief Justice of the United States, he, or in his absence the senior associate justice, shall designate and assign a district judge of an adjoining judicial circuit if practicable, or if not practicable, then of any judicial circuit, to perform the duties of district judge and hold a district court in any such district as above provided: *Provided, however*, That before any such designation or assignment is made the senior circuit judge of the circuit from which the designated or assigned judge is to be taken shall consent thereto. All designations and assignments made hereunder shall be filed in the office of the clerk and entered on the minutes of both the court from and to which a judge is designated and assigned, as well as on the minutes of the Supreme Court of the United States, to the clerk of which both of such other clerks shall immediately report the fact and period of assignment."

"Sec. 5. As used in this Act, the term 'court of the United States' means the courts of record of Alaska, Hawaii, and Puerto Rico, the United States Customs Court, the United States Court of Customs and Patent Appeals, the Court of Claims, any district court of the United States, any circuit court of appeals, and the Supreme Court of the United States; the term 'district court of the United States' includes the District Court of the United States for the District of Columbia; the term 'circuit court of appeals' includes the United States Court of Appeals for the District of Columbia; the term 'circuit' includes the District of Columbia; the term 'senior circuit judge' includes the Chief Justice of the United



States Court of Appeals for the District of Columbia; and the term 'judge' includes justice."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

HATTON W. SUMNERS,  
ZEBULON WEAVER,  
FRANCIS E. WALTER,  
CHARLES F. McLAUGHLIN,  
CLARENCE E. HANCOCK,  
U. S. GUYER,

*Managers on the part of the House.*

PAT MCCARRAN,  
JOSEPH C. O'MAHONEY,  
FREDERICK VAN NUYS,  
WM. E. BORAH,  
WARREN R. AUSTIN,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 2260) to provide for appearance on behalf of and appeal by the United States in certain cases in which the constitutionality of acts of Congress is involved, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report.

The bill, as it passed the House, provided that whenever the constitutionality of an act of Congress is drawn in question in any suit in a Federal court to which the United States is not a party, if the court is of the opinion that a substantial ground exists for such question, the court must certify that fact to the Attorney General, and afford an opportunity for the Attorney General, or counsel designated by him, to appear and present evidence, if required, and argument on behalf of the United States. The Attorney General is given the same rights as a party to the extent necessary for a proper presentation of the facts and law relating to the constitutionality of the statute. In the event the determination of the lower court is adverse to the constitutionality of the statute, the Attorney General is given the same right of review in the appellate courts as if the United States were a party to the suit; and this right is given him whether or not he appeared in the lower court.

The Senate amended the House bill by striking out all after the enacting clause and inserting in lieu thereof an amendment consisting of six sections.

Sections 1, 2, and 6 of the Senate amendment are a substitute for the provisions of the House bill. Sections 3, 4, and 5 of the Senate amendment are new matter not contained in the House bill.

Section 1 of the Senate amendment required that whenever the constitutionality of any act of Congress is drawn in question and neither the United States nor any agency, officer, or employee thereof is a party, the court shall certify that fact to the Attorney General, and permit the United States to intervene as a party for the presentation of evidence and of law relating to the constitutionality of the act in question upon a showing of actual or probable legal interest.

The House bill required a certificate to the Attorney General only in case the court is of the opinion that a substantial ground exists for questioning the constitutionality of the statute. The Senate bill required certification in all cases involving constitutionality, but permitted intervention only upon a showing of actual or probable legal interest. The conference report provides for certification whenever the constitutionality of any act of Congress affecting the public interest is drawn in question and omits the language requiring a showing of legal interest.

Section 2 of the Senate amendment provided for a direct appeal by the United States to the Supreme Court where the decision is against the constitutionality of any act where the United States or any agency, officer or employee thereof is a party or has intervened as a party upon application for or notice of such an appeal within 30 days after the entry of any final or interlocutory judgment, decree or order, and required the docketing of the case in the Supreme Court within 60 days after the allowance of the appeal, and further provided for expediting the case in the Supreme Court. The House bill provided for an appeal by the United States whether or not it had become a party to the proceedings in the district court, and also provided for direct appeal to the Supreme Court in the discretion of the Attorney General. The House managers agreed to the Senate amendment.

The House managers adopted the definitions contained in section 6 of the Senate amendment, which amplified the definitions contained in the House bill.

Section 3 of the Senate amendment is new matter, to which the House managers agreed with modifications. It forbids the issuance of any interlocutory or permanent injunction suspending or restraining the enforcement, operation, or execution of, in whole or in part, any act of Congress upon constitutional grounds except upon the determination of a three-judge court at least one member of which shall be a circuit judge.

As modified by agreement of the conferees, the section requires an expeditious hearing by the three-judge court upon the application for either interlocutory or final injunction and requires at least 5 days' notice of any application for an interlocutory injunc-

tion. A single judge to whom the application for an interlocutory injunction is presented is permitted to issue a temporary restraining order upon a proper showing of irreparable damage pending the hearing and determination of the application for the interlocutory injunction before the three-judge court. The section provides for an expeditious appeal directly to the Supreme Court from any order, decree, or judgment granting or denying an interlocutory or permanent injunction.

This section prohibits the issuance of any injunction to suspend or restrain the execution of acts of Congress, except by a court composed of three judges, and applies to all interlocutory and final injunctions hereafter issued whether the suits in which they are issued be now pending in the district courts or hereafter instituted.

Section 4 of the Senate amendment amends section 13 of the Judicial Code which provides for the assignment of judges for service outside their own districts under certain circumstances. One amendment is designed to make mandatory the present discretionary duty of the senior circuit judge, or in his absence the circuit justice, to assign a district judge for service in another district court of the circuit in which the judge, by reason of absence, disability, or the accumulation or urgency of business, is unable speedily to perform the work of his district. Similar changes are made regarding the duty of the Chief Justice of the United States to assign judges for service outside their own circuits. All assignments under this section are required to be spread upon the minutes of the Supreme Court as well as upon the minutes of the courts from and to which a judge is assigned. The House managers agreed to these amendments.

Section 5 of the Senate amendment provided that whenever any judge is designated and assigned to duty outside of his district or circuit his subsistence allowance shall be \$10 per diem. This amendment was stricken out by the conferees.

HATTON W. SUMNERS,  
ZEBULON WEAVER,  
FRANCIS E. WALTER,  
CHARLES F. McLAUGHLIN,  
U. S. GUYER,  
CLARENCE E. HANCOCK,

*Managers on the part of the House.*

Mr. FISH (interrupting the reading of the statement).  
Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. FISH. Mr. Speaker, this is a very important matter and I suggest the absence of a quorum.

The SPEAKER. The gentleman from New York makes a point of order there is not a quorum present. The Chair will count. [After counting.] One hundred and eighty-three Members are present, not a quorum.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 140]

Allen, Del.	Eaton	Kelly, N. Y.	Pfeifer
Allen, La.	Eckert	Kloob	Scott
Atkinson	Ellenbogen	Knutson	Simpson
Blinderup	Ferguson	Kopplemann	Sirovich
Boyer	Fernandez	Kramer	Smith, Maine
Boylan, N. Y.	Flannagan	Kvale	Smith, W. Va.
Brewster	Gasque	Lambeth	Starnes
Buckley, N. Y.	Gilchrist	Lamneck	Sullivan
Bulwinkle	Gray, Ind.	Lemke	Sweeney
Cannon, Wis.	Green	Lucas	Swope
Celler	Harter	McGroarty	Taylor, Colo.
Cravens	Hartley	Maas	Thomas, N. J.
Creal	Hill, Ala.	Meeks	Towey
Crowther	Hoffman	Miller	Vinson, Ga.
Culkin	Jacobsen	Mitchell, Ill.	White, Idaho
Drewry, Va.	Johnson, Minn.	O'Neal, Ky.	Wood

The SPEAKER. Three hundred and sixty-six Members have answered to their names, a quorum.

Further proceedings under the call were dispensed with.

#### EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to give a résumé of the effect of the veterans' bill which was passed a few weeks ago.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

#### COURT REFORM AND JUDICIAL PROCEDURE

The Clerk resumed and concluded the reading of the statement on the conference report.



Mr. SUMNERS of Texas. Mr. Speaker, on behalf of the House conferees, I shall try to help the House to fully understand the results of the conference. If the Members of the House were giving attention to the reading of the statement of the managers probably most of the things they would like to know have been disclosed by the report. With the indulgence of the House, however, I will make a very brief statement.

The bill as it passed the House, as it passed the Senate, and as agreed to by the conferees undertakes to recognize, and does recognize, that when the constitutionality of an act of Congress is drawn into question the public interest becomes involved in that litigation. It is a public duty which is owed to the court which has the responsibility of passing on the constitutionality of an act of Congress that it be given all the assistance which can be given to aid it in an understanding of the questions involved.

In a definite sense this legislation is novel. Not since the organization of the Government has the Government, as a matter of recognized right, been privileged to go into the courts to represent the public, which is involved.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. RANKIN. I am wondering whether under this law the Attorney General would be authorized to intervene in a suit that has already been begun to test the constitutionality of an act of Congress.

Mr. SUMNERS of Texas. I think so.

There are some features that would be interesting to gentlemen as lawyers, and doubtless as laymen, that we have sought to incorporate in this bill. We have sought to combine, supporting the general plan, the right which the Government as a necessary party—and this has been my view, and I think the view of our committee—to appear in a case where the constitutionality of an act passed by the legislative branch of the Government is drawn into question, and then we believe that this legislation, too, will be supported and welcomed by the courts of the country because of the governmental philosophy that underlies the inviting by the courts frequently of a representative of the Government to appear as *amicus curiae*. The appearance of a public representative to represent the public when the constitutionality of an act of Congress is drawn in question is sensible and necessary. The Government is a proper party. The Government is a necessary party by every test which determines the right of individuals to intervene in lawsuits. This bill recognizes that right, we believe the courts will agree.

Mr. MAY. There is one thing in my mind about the legislation about which I do not know that I have a clear understanding. It is that feature of the legislation which deals with the question of the right of Federal judges to grant injunctions in litigation in which the Government may be interested.

Mr. SUMNERS of Texas. Will the gentleman wait until I come to that?

Mr. MAY. Certainly.

Mr. SUMNERS of Texas. I now yield to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, that is the question that I wanted to ask the gentleman from Texas.

Mr. SUMNERS of Texas. Then I come to that now, Mr. Speaker.

Mr. MAY. Will the gentleman permit me to finish the question?

Mr. SUMNERS of Texas. Yes.

Mr. MAY. What I wanted to know is this: Under previous legislation, as I understand it, a Federal judge on an ex-parte hearing could grant an injunction, and this bill as reported requires a hearing before three circuit judges before a permanent injunction can be granted. Is that true?

Mr. SUMNERS of Texas. Not exactly true. We have attempted to incorporate in this legislation the arrangement with reference to drawing into issue by injunction the validity of certain acts of States. That is not an

exact statement. This is the arrangement: It is provided that the application when it is made to a district judge, or a circuit judge, that fact shall be certified to the presiding judge of the circuit, or in his absence, to the justice next in rank, and upon the receipt of that certificate a three-judge court shall be assembled, one judge of which shall be a member of the circuit court. It is provided that pending the assembling of that court and the opportunity of that court to act upon the application for injunction or temporary restraining order, whatever is the application, the judge to whom the application was made, the single judge, the district or circuit judge, shall have the right to issue a temporary restraining order, effective until these three-judge courts can be assembled, and can pass on the application for restraining order.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. MAY. Then I understand from that statement that this bill will really expedite the disposition of injunction matters and prevent the delay in Federal litigation on injunction proceedings that has seemed to exist for the past several years.

Mr. SUMNERS of Texas. That is one of the definite purposes of the bill. It should be stated in this connection, Mr. Speaker, that your committee and the conference committee have sought to expedite the final determination of these constitutional questions by permitting an appeal directly to the Supreme Court from the judgment of the three-judge court.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. RANKIN. I want to ask the gentleman some questions with reference to this three-judge court. I understood the gentleman from Texas to say a moment ago that whenever an injunction or restraining order is asked for, testing the constitutionality of a State statute, that this three-judge court would come into being.

Mr. SUMNERS of Texas. No; the gentleman is in error. This bill does not deal with that. Whenever the question is to test the constitutionality of an act of Congress the three-judge court would come into being, and it is of the same composition as the three-judge court testing certain questions arising with reference to certain State acts.

Mr. RANKIN. Will that also apply to a case now in litigation, where the constitutionality of a Federal statute is being brought into question through an injunction proceeding?

Mr. SUMNERS of Texas. It is the judgment of the managers on the part of the House, and I think it is clear from the language of the bill, that an application made for injunction with reference to a pending matter would be governed by the provisions of this law.

Mr. VOORHIS. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. VOORHIS. I want to ask the gentleman a question about section 2. As I understand section 2, in case the trial court decides against the constitutionality of an act of Congress, the Attorney General may then appeal directly to the Supreme Court?

Mr. SUMNERS of Texas. That is correct.

Mr. VOORHIS. But suppose the judgment of the trial court upholds the act of Congress, is it not then still possible for the private litigant, if delay is to his advantage, to make the same series of appeals through the circuit court and have the same kind of delays and periods of uncertainty we have at the present time? Suppose the decision is favorable to the Government in the original trial court, is it not still possible for the private litigant to appeal through the Circuit Court of Appeals and have the same long-drawn-out suspension of and interference with the carrying out of the act in question as we have now?

Mr. SUMNERS of Texas. The private litigant, of course, can appeal to the Supreme Court. I am having the language looked up, and I hope to answer the question by the language of the bill. It is my impression this bill does not touch that



situation. There is provision in this bill for moving judges into congested territory, which is fully explained in the statement of managers just read.

Mr. LAMBERTSON. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. LAMBERTSON. Will the gentleman permit an observation? I do not think the House cares much about the details of this proposition. They are going to be for whatever you say on this for they have confidence in you. They remember you from a few days back. The thing that is on the minds of the Members of the House today is whether or not the chairman of the Rules Committee has as much courage as you displayed to save the House from a second N. R. A. You saved us from an unsound court policy, and you are just an American, but he is an Irishman.

Mr. SABATH. Mr. Speaker, I ask that the words of the gentleman from Kansas be taken down. I think they were unjustifiable and in violation of the rules of the House.

Mr. LAMBERTSON. Mr. Speaker, I want to make a correction. I want to say that he is not only an American and that—but I will withdraw the last part. I tried to pay the gentleman a compliment by saying that besides being an American—

Mr. SABATH. The chairman of the Rules Committee does not want any compliments from the gentleman.

The SPEAKER. The Chair understands that the gentleman from Kansas has withdrawn the words to which the gentleman from Illinois objected.

Mr. O'CONNOR of New York. Mr. Speaker, that must be under unanimous consent, must it not?

The SPEAKER. That is correct.

Mr. O'CONNOR of New York. I reserve the right to object. What was the remark the gentleman made with reference to me?

Mr. LAMBERTSON. The last part of it? This is what I said, and what I meant to say—I will say both of them. What I said was that the gentleman there from Texas [Mr. SUMNERS] was just an American, but you were an Irishman. What I wanted to convey was that besides being an American you had the fighting blood of an Irishman in you to boot. [Laughter.]

Mr. O'CONNOR of New York. Further reserving the right to object, Mr. Speaker, what did the gentleman say further with reference to me?

Mr. LAMBERTSON. I said that the House had confidence in the chairman of the great Judiciary Committee, and no matter what he was for on this court proposal, the House would sustain him, because they admired his wonderful courage of a few days back; and it was on the mind of every Member of the House whether the chairman of the Rules Committee had equal courage to face a second N. R. A. today, as the gentleman from Texas had on the unsound court proposal. That is all I said. All I ever tried to intimate to you was a compliment, because I believe you have got the courage.

The regular order was demanded.

The SPEAKER. The regular order is that the gentleman from New York [Mr. O'CONNOR] is reserving the right to object.

Mr. O'CONNOR of New York. Let me tell the gentleman at the outset that I am heartily and enthusiastically in favor of the wage and hour bill. [Applause.]

Further, let me tell the gentleman from Kansas [Mr. LAMBERTSON] in reference to this Celtic origin of mine, of which I am very proud, as I am of every drop of Irish blood that courses through my veins—may I say to the distinguished gentleman from Kansas that long before that great agricultural State of his was admitted to the Union my great-grandfather landed at St. Johns, Newfoundland, in 1804, with his only worldly possessions, two boys, one of them my grandfather. I do not know how long the people of the distinguished gentleman have been in this country, but mine have been here that long, and I am still proud of my Irish extraction. [Applause.]

Mr. LAMBERTSON. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I teach my four boys to be proud of their ancestry and to live up to the high ideals and high standards of that great people, and to emulate the great men and women whom that race contributed to this world, and especially to this country from the days of the Revolution down to the World War and down to this good hour. [Applause.]

Mr. LAMBERTSON. Mr. Speaker, will the gentleman yield for a moment?

The SPEAKER. Just a moment. The parliamentary situation is that the gentleman from Kansas [Mr. LAMBERTSON], as the Chair understood him, asked unanimous consent to withdraw the words that seemed to have given offense. Is there objection?

Mr. O'BRIEN of Illinois. Mr. Speaker, I object.

Mr. O'CONNOR of New York. Mr. Speaker, I object.

The SPEAKER. Does the gentleman withdraw his reservation of objection?

Mr. O'CONNOR of New York. For the moment until somebody else objects, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. ANDERSON of Missouri. Mr. Speaker, I object.

Mr. O'BRIEN of Illinois. Mr. Speaker, I object.

The SPEAKER. Objection is heard, and the Clerk will report the words that the gentleman from Kansas used. Will the gentleman from Illinois repeat the words to which he has reference?

Mr. SABATH. Where the gentleman referred to the gentleman from New York, chairman of the Rules Committee, as being only an Irishman.

Mr. SNELL. No, Mr. Speaker.

Mr. McLEAN. No.

Mr. SABATH. And that he did not have the courage that is required.

Mr. SNELL. Mr. Speaker, a point of order.

The SPEAKER. Does the gentleman still insist that the words be taken down?

Mr. SABATH. Mr. Speaker, personally I do not recall the exact words, but at the time they were uttered I thought they were offensive and in violation of the rules; but if the gentleman from New York himself desires that I should withdraw the request, I am willing to accede to his wishes. [Applause.]

The SPEAKER. The gentleman from Illinois withdraws his request that the words of the gentleman from Kansas be taken down.

Mr. SUMNERS of Texas. Mr. Speaker, resuming after that slight interruption. [Laughter.]

Mr. Speaker, I move the previous question on the conference report.

Mr. KELLER. Will the gentleman withhold that?

Mr. SUMNERS of Texas. I withhold that for the moment, Mr. Speaker.

Mr. KELLER. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield.

Mr. KELLER. I would like to ask a question about section 1 of the bill, with reference to the provision for the United States being made a party to a suit where the question of constitutionality is raised. Under certain conditions set out in the bill the Government may be made a party to a suit where the constitutionality of a given law is involved. Is that correct?

Mr. SUMNERS of Texas. That is right. It may have itself made a party; it cannot be drawn in.

Mr. KELLER. Could that not also be done at the present time under present law?

Mr. SUMNERS of Texas. We do not think so.

The SPEAKER. The gentleman from Texas moves the previous question.

The question is on ordering the previous question.

The previous question was ordered.

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.



Mr. MICHENER. The gentleman from Texas did not move the previous question. The Chair stated that he did.

The SPEAKER. Did not the gentleman from Texas move the previous question?

Mr. SUMNERS of Texas. I have no disposition to cut off inquiries.

The SPEAKER. But the Chair is asking the gentleman if he did not, as a matter of fact, move the previous question?

Mr. SUMNERS of Texas. Yes, I did; but I want to be courteous and make any explanation of the bill that I can.

Mr. Speaker, I ask unanimous consent that the proceedings whereby the previous question was ordered may be vacated, and that I may be permitted to yield to the gentleman for a question.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. ANDREWS. I object.

The SPEAKER. The previous question is ordered.

The question is on the adoption of the conference report. The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### BAYOU SAVAGE, NEW ORLEANS, LA.

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2520) declaring Bayou Savage, also styled Bayou Chantilly, in the city of New Orleans, La., a nonnavigable stream.

The Clerk read the title of the bill.

Mr. RICH. Mr. Speaker, reserving the right to object, will not the gentleman explain the bill and tell us whether it is going to cost the Federal Government anything?

Mr. DEROUEN. It is a very small bill. It will not cost the Federal Government anything at all. It has to do with improvements in the city of New Orleans, where once upon a time that stream was navigable—maybe 100 years ago. Today that stream is not used. Bayou Savage is a minor stream which flows in an easterly direction and empties into Chef Manteur Pass, immediately north of Lake Borgne. The Secretary of War states in his report that no doubt once upon a time it was a navigable stream, but it is not now. Accordingly, Bayou Savage, also styled Bayou Chantilly, in the city of New Orleans, is of immaterial value as a highway of commerce and of travel by water, and it is desired by the city to fill it in and improve the city and the streets.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. DEROUEN. I yield.

Mr. JENKINS of Ohio. What action, if any, has the Committee on Interstate and Foreign Commerce taken on this bill?

Mr. PETTENGILL. The bill comes with the unanimous report of the committee. Through this bill, Congress surrenders its jurisdiction over this particular stream as a navigable stream for the purpose of permitting the city of New Orleans to fill it in and improve certain parts of the city.

Mr. MARTIN of Massachusetts. And it comes from the Committee on Interstate and Foreign Commerce with a unanimous report.

Mr. PETTENGILL. The gentleman's statement is correct.

Mr. DEROUEN. It has passed the Senate and now lies on the Speaker's table.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield?

Mr. DEROUEN. Yes.

Mr. McFARLANE. Under this bill, the Federal Government waives its right on a navigable stream. Who gets the benefits that the Federal Government waives?

Mr. DEROUEN. No one but the general mass of the people in the city of New Orleans.

Mr. McFARLANE. Does this stream go to the city or to some individual?

Mr. DEROUEN. It goes to the city. Because the city has streets and owns the land on both sides.

Mr. McFARLANE. No individual, then, is benefited by this bill?

Mr. DEROUEN. None at all.

Mr. McFARLANE. No private individual gets title to any property?

Mr. DEROUEN. No.

Mr. McFARLANE. To whom will the land belong?

Mr. DEROUEN. To the city for the convenience of the public.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

*Be it enacted, etc., That Bayou Savage, also styled Bayou Chantilly, in the city of New Orleans, La., be, and the same is hereby, declared to be a nonnavigable waterway within the meaning of the Constitution and laws of the United States.*

*Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.*

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider and a similar House bill (H. R. 7348) were laid on the table.

#### AMENDMENT OF ROBINSON-PATMAN ANTIDISCRIMINATION ACT

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8148) to amend Public Law No. 692, Seventy-fourth Congress, second session, and for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. For the information of the House the Clerk will read the bill.

The Clerk read the bill as follows:

*Be it enacted, etc., That nothing in the act approved June 19, 1936 (Public, No. 692, 74th Cong., 2d sess. (known as the Robinson-Patman Antidiscrimination Act)), shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit and supported in whole or in part by public subscriptions.*

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MICHENER. Mr. Speaker, reserving the right to object, I understand that this is the bill to which the committee gave consideration this morning and that they were unanimously in favor of it.

Mr. WALTER. That is correct; yes.

Mr. MICHENER. All the bill does is to permit hospitals and similar institutions to buy directly from the manufacturer at the manufacturer's price?

Mr. WALTER. And to secure the discount; that is correct. The Federal Trade Commission has taken the position that the Robinson-Patman Act applies to all purchases, whether made by individuals or corporations, or corporations not organized for profit. The purpose of this bill is to enable an institution maintained by public subscriptions in whole or in part to receive discounts for purchases of goods for its own use.

Mr. DITTER. Will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Pennsylvania.

Mr. DITTER. Are other eleemosynary institutions included? I am thinking whether or not the bill is broad enough to include not only the churches themselves but institutions related to and having a part in the activities of the church. I am wondering whether they are included.

Mr. WALTER. It was our intention to include all eleemosynary institutions. If we have not done that, I would be glad to accept an amendment to that effect, but it was the intention at the time the Robinson-Patman bill was discussed originally in our committee to exclude that type of corporation. We felt the provisions of the act did not apply; however, the Federal Trade Commission has taken the position that it does. The author of the bill himself is under the impression the bill did not apply.

Mr. DITTER. I am thinking of homes for the aged or homes for orphans that may have some identification with



churches, and whether they would be included within the benefits intended by this bill.

Mr. WALTER. I believe so.

Mr. PETTENGILL. Will the gentleman yield?

Mr. WALTER. I yield to the gentleman from Indiana.

Mr. PETTENGILL. It seems to me from a reading of the proposed bill it applies only to charitable institutions that are supported in whole or in part by public funds, and would not include a charitable institution that was not supported in any part by public funds.

Mr. WALTER. That is correct.

Mr. PETTENGILL. Why should not a privately endowed hospital that does not derive any part of its support from public funds be equally exempt with a hospital that did derive its support from public funds?

Mr. WALTER. Because ultimately that institution may become a profit corporation as distinguished from a non-profit corporation.

Mr. PETTENGILL. It seems to me that is unfair to the private charitable institutions of the country that are not operated for pecuniary profit. They should be given the same exemption that this bill gives to an institution that is supported in part by public funds. Unless the bill is subject to amendment, I would feel constrained to object to its consideration at this time.

Mr. WALTER. I trust the gentleman will not object at this late date.

Mr. PETTENGILL. Is the gentleman willing to accept an amendment that would exempt charitable institutions not operated for private profit and are not sustained in part by public funds?

Mr. WALTER. Yes; I think we would accept that amendment.

Mr. PETTENGILL. With that understanding, and the opportunity to suggest an appropriate amendment, I withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. SABATH. Mr. Speaker, reserving the right to object, may I inquire of the gentleman whether this bill will also apply to institutions that are maintained and controlled by municipalities and cities? Many of the institutions that are financed by municipalities and by States might come also under its provisions?

Mr. WALTER. The bill clearly covers that class of institution. All charitable institutions are covered by the provisions of this bill.

Mr. SABATH. Does the gentleman think a county hospital or a city sanitarium wholly financed by a city, county, or State, would come within the provisions of this act?

Mr. WALTER. Yes; I do.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. McFARLANE. Mr. Speaker, I object.

Mr. WALTER. Will the gentleman withhold his objection a minute?

Mr. McFARLANE. I think you are opening the gate to the point where the bill will be absolutely worthless if we adopt these wide-open amendments. The bill, if amended, will not mean anything; and I would like to see the bill given a chance to be enforced.

Mr. WALTER. For the purpose of preventing the thing the gentleman has suggested, we endeavored to enumerate the type of institutions that were to be included within the purview of the act.

Mr. McFARLANE. May I hear the amendment as the gentleman has drawn it?

Mr. WALTER. The bill as drawn, exempts schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

Mr. McFARLANE. May I hear the amendment?

Mr. WALTER. So that the act would not be torn to pieces, we enumerated every class of institution that we felt ought to be exempted.

Mr. McFARLANE. I want to hear the amendment.

Mr. BLAND. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLAND. Is this one of the last 6 days of the session of Congress within which consent matters are in order?

The SPEAKER. Not within the knowledge of the Chair.

Mr. LANHAM. Mr. Speaker, reserving the right to object, may I ask the gentleman from Pennsylvania if within the purview of the amendment of the gentleman from Indiana, to which he has agreed, hospitals, such as institutions for crippled children, operated by fraternal organizations, are exempted?

Mr. WALTER. Yes. The amendment offered by the gentleman from Indiana would take care of that class of institution.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. McFARLANE. Mr. Speaker, reserving the right to object, I want to hear this amendment if we can get it prepared.

Mr. PETTENGILL. After the words "charitable institutions", in line 9, I propose to insert, "and other eleemosynary", and I propose further to strike out the last line, the last line reading, "being supported in whole or in part by public subscriptions", so that the effect of the statute if passed will exempt all charitable or eleemosynary institutions not operated for profit, whether supported in whole or in part by public funds or not.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. McFARLANE. Mr. Speaker, I object, with the amendment proposed by the gentleman from Indiana. I do not object to the bill as originally drawn.

Mr. SUMNERS of Texas. Mr. Speaker, on behalf of my colleague, the gentleman from Pennsylvania [Mr. WALTER], I ask unanimous consent that his request for the present consideration of the bill may be withdrawn at this time in order to ascertain whether or not satisfactory amendments can be drawn.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### ENLISTED MEN OF THE ARMY

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for immediate consideration the bill (S. 2871) for the protection of certain enlisted men of the Army.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the bill?

Mr. MAY. Yes; I shall be pleased to explain the bill to the Members of the House.

Mr. Speaker, the Army appropriation bill for 1938 contains a provision prohibiting the payment of any part of the appropriation to enlisted men in the United States Army who are not citizens. It has been discovered that there are in the United States Army approximately 7,000 enlisted men who have never obtained their citizenship papers. This bill provides an amendment which prohibits the payment of any part of this appropriation to these men until they are re-enlisted, and they cannot reenlist until they obtain their citizenship papers.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SCHULTE. Mr. Speaker, I object.

#### EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that in connection with my extension of remarks concerning the bill (H. R. 6384) to liberalize the provisions of existing laws governing service-connected benefits for World War veterans and their dependents, and for other purposes, I may be permitted to insert an analysis of that bill made by Mr. Thomas Kirby, of the Disabled American Veterans.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.



## UNEMPLOYMENT COMPENSATION

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk for immediate consideration the bill (H. R. 8174) to make available to each State which enacted in 1937 an approved unemployment-compensation law a portion of the proceeds from the Federal employers' tax in such State for the year 1936.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That there is hereby authorized to be appropriated for payment to the unemployment fund of each State or Territory which was not certified by the Social Security Board under section 903 of the Social Security Act on December 31, 1936, but which enacted in the year 1937 an unemployment-compensation law approved by the Social Security Board under such section, an amount equal to 90 percent of the proceeds of the tax paid on or before January 31, 1938, with respect to employment in such State or Territory during the calendar year 1936 under title IX of such act. Out of the sums appropriated therefor, the Secretary of the Treasury shall pay such amount, through the Division of Disbursement of the Treasury Department, to each such State unemployment fund. The terms used in this act shall have the same meaning as identical terms in title IX of the Social Security Act.

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, and I shall not object, may I state to the distinguished chairman of the Committee on Ways and Means that it would be very apropos, I think, if he would take 3 or 4 minutes to explain this bill. There is no opposition to the bill on our side, as far as I know.

Mr. DOUGHTON. This bill has a unanimous report from the Committee on Ways and Means. The bill was introduced by my colleague on the Committee on Ways and Means, the gentleman from Missouri [Mr. DUNCAN], and I now yield to him to explain the purposes of the bill.

Mr. DUNCAN. Mr. Speaker, the purpose of this bill is to place all the States complying with the unemployment insurance provisions of the Social Security Act on the same basis. The Social Security Act passed in 1935, as you may recall, fixed the date of December 31, 1936, as the limit of the time within which the States might comply with its provisions. Thirty-five States were able to comply with these provisions prior to the expiration date. There were, however, 13 States which were not able to comply with the provisions during that time. The committee found there were good and sufficient reasons why such States could not comply, in that either there were changes in administration which prevented the calling of special sessions of the legislatures or the legislatures were unable to agree upon satisfactory unemployment-insurance laws.

The employers in the States which did not comply with the act were required to pay the unemployment-insurance tax into the Federal Treasury. The employers in the States which did comply paid 90 percent of their tax into a State unemployment fund, and now have the benefit of this fund. The 13 States which did not comply, of course, have received no benefit from the tax, which has gone into the Federal Treasury. This bill seeks simply to authorize the appropriation into the unemployment funds of the various States of 90 percent of the tax paid in 1936 by the employers in these 13 States and 2 Territories and thus places all the States on the same basis. The 13 States have now passed unemployment-insurance laws which have been approved by the Social Security Board.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. As I understand, the passage of this bill will do nothing more than put the 13 States on a parity with the 35 States?

Mr. DUNCAN. The gentleman's statement is exactly right.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from Pennsylvania.

Mr. RICH. When this law was passed and all the States were given until the end of the year to act upon it, the House of Representatives was told that many of the States would not have time to act before the various State legis-

latures adjourned. Many of the States had to call extra sessions. I know the State of Pennsylvania did so at a cost of hundreds of thousands of dollars. This is only the result of hurried legislation. You have a lot of other legislation coming before the House which you want to hurry through, and you will make a lot of mistakes if you do not take your time. I congratulate the Members on that side of the House for correcting some of the ill-advised legislation they put through in 1936.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. Has any provision been made to give the employees the benefit of this money which goes into the unemployment fund? In other words, in the States which have enacted unemployment-compensation laws the employees have made their contributions and the employers have made their contributions. In most cases, and I believe perhaps all, the laws require that this reserve fund be built up for a period of 2 years before the individual employee can receive any funds from it.

Mr. DUNCAN. The gentleman is correct.

Mr. BOILEAU. In the States which have not had such a law, and therefore have not built up the reserve fund, the employees cannot start drawing from the fund for 2 years, but still this bill will put the money into the fund and increase the fund in such States, so that at the end of the 2-year period the States which have been derelict, the States which have refused to assume their responsibility, will be better off financially as far as their reserve fund is concerned than the States which have cooperated and have adopted the necessary law. I regret it very much, but I feel that I am constrained to object. I believe this is important enough so that we should give it ample consideration.

Mr. DUNCAN. I think the gentleman should not object.

Mr. BOILEAU. I think this is giving an advantage to those States that did not come into line and cooperate until later on. I do not want to have hasty action taken on this matter, and I do not want to do something by my objection that would be unfair, but my present intention is to object.

Mr. DUNCAN. If the gentleman will reserve his objection, the gentleman will recall that there were 18 or 19 States that complied with this act during the latter part of December 1936. These 13 States that complied in 1937, did so within a few months after a majority of the States had complied in 1936, so there is not any advantage to be given to these States. The States which did not comply lose the interest on the money in that fund, and there will be no benefits to those States.

Mr. BOILEAU. The employees working in the States that have complied have had a part of their money taken out of their salary in order to contribute to this fund, whereas in those States that have not had an act, they have not had any money taken from their salary.

Mr. DUNCAN. The employers in all the States have contributed. The tax began on January 1, 1936, and they have all paid identically the same amount of money.

Mr. BOILEAU. This law has been in operation for a couple of years.

Mr. DUNCAN. Since the 1st of January 1936, when the unemployment insurance fund became effective, and the employers in every State of the Union began paying the tax at that time. The gentleman is thinking of old-age annuities and not of unemployment insurance.

Mr. BOILEAU. Unemployment compensation began January 1, 1936.

Mr. DUNCAN. That is right.

Mr. BOILEAU. So there has been more than 1 year of operation, and in those States that have complied, most of them during the year 1936, they have had a tax upon their employees to contribute to this fund.

Mr. DUNCAN. That was true in every State. It made no difference whether the State had an unemployment fund or not, each one of the employers was required to pay the tax.



Mr. FRED M. VINSON. Mr. Speaker, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from Kentucky.

Mr. FRED M. VINSON. This act was passed in 1935 with a dead line of December 31, 1936, to pass the State laws. That date was fixed in order that it could go into operation in the immediate future. Now, 35 States came in within the period. The point involved in this bill is whether or not the employees in the other 13 States which came in 1937, in whom the gentleman from Wisconsin is very much interested, will have available for them in the unemployment trust fund in the Treasury the moneys that were paid in as taxes in 1936 and 1937.

Mr. BOILEAU. I want to ask the gentleman this question. In the year 1936, in those States in which this unemployment compensation law was in effect, there was a contribution on the part of the employee, was there not?

Mr. FRED M. VINSON. I do not know what the situation is in Wisconsin—

Mr. BOILEAU. In every State that has an unemployment compensation law, has there not been a certain amount of money taken out of the compensation of the individual employee in the year 1936?

Mr. FRED M. VINSON. The point involved is a 90-percent credit by the Federal Government—

Mr. BOILEAU. I understand that.

Mr. FRED M. VINSON. And if we do not pass this bill the employees, in whom the gentleman is interested, will not have that money in the unemployment trust fund to be paid out in benefits.

Mr. BOILEAU. I am interested that the Federal Government keeps faith with all the States and if the employees in your State and my State and all the 35 States involved were forced to take money out of their pockets during the year 1936 to contribute to this fund, in order to get this refund of 90 percent that the employers were paying, and if that was the understanding when we passed the law, then the States that did not cooperate should not now have the advantage of that 90 percent.

Mr. DUNCAN. But it was paid.

Mr. BOILEAU. It was paid into the Federal Treasury, and the gentleman and I knew when we voted for that law that we used that provision to bring compulsion upon the States. You did not want to call it compulsion, but that is what it was, or, at least, it was strong persuasion.

Mr. KELLER. Are you against it?

Mr. BOILEAU. I am of the opinion—and if I am wrong I want to have the matter clarified and I shall not object—but I am of the opinion that in the 35 States where the employees were required to start at scratch, and at the same time they were given credit for the amount the Federal Government paid back, at the same time they had money taken out of their pockets and they matched these funds in order to build up the fund, and now the 13 States that did not come in will start out with a nice big nest egg because they were derelict and refused to cooperate.

Mr. FRED M. VINSON. If the gentleman will yield further, I am not acquainted with the Wisconsin situation, but I call my friend's attention to the fact that the Chairman of the Social Security Board, Dr. Altmeyer, is from his State and, of course, he is interested in the employees in his State, as well as the employees in all the States.

Mr. BOILEAU. I do not care whether he comes from my State or yours, he is a fine man, and the fact that he comes from Wisconsin makes no difference.

Mr. FRED M. VINSON. Does the gentleman think he would want to do an injustice to the employees of his own State, as well as the other States?

Mr. BOILEAU. I am satisfied he will do his utmost to provide a square deal for every man in this country, and I object at the present time, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin [Mr. BOILEAU] objects.

Mr. BOILEAU. Mr. Speaker, I have been requested by several colleagues to reserve my objection, and I am going to do it.

The SPEAKER. Is it the intention of the gentleman finally to object?

Mr. BOILEAU. I intend to object, Mr. Speaker, unless I can be satisfied that the employees in the various States that will thus be benefited are not getting an advantage over the other States which enacted their laws earlier in order to comply with the Federal law, and which showed proper desire to cooperate and to adopt the social-security legislation.

The SPEAKER. The gentleman from Wisconsin reserves his objection.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. Yes.

Mr. COCHRAN. The situation is just this: The employees in all the States of the Union were treated alike. In some States, 13, the Governors did not call special sessions of the legislatures.

Mr. BOILEAU. Why did they not? They had the responsibility.

Mr. COCHRAN. For this reason: They were electing new members to the legislatures. We did not want men going out of office to consider such important legislation. The outgoing Governor refused to call a special session.

In Missouri, our new Governor did not take office until January. As soon as the legislature in our State met in January the matter was taken care of. Now, are the employees in our State and in the other 12 States to be penalized simply because the Governors of those States refused to call special sessions of the legislatures? Surely the gentleman sees our situation.

Mr. BOILEAU. That is the point. The employees in the gentleman's State are not penalized because they did not contribute one cent.

Mr. COCHRAN. But they did contribute.

Mr. BOILEAU. They did not do it out of their own salaries. It was the tax for doing business.

Mr. McLAUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. BOILEAU. Yes.

Mr. McLAUGHLIN. The facts in this matter are these: Thirteen States failed to pass the act, as has been stated, within the time which would bring them within the operation of the law. They have since passed State unemployment acts in conjunction with the Federal social security law. The money has been contributed in those States, and the only question involved in this bill is this: Is that money to go into the general fund of the United States Treasury, or is it to go back to the individual States for the benefit of the employees who will get the benefit of that money if it goes back to the States? I am sure the gentleman from Wisconsin will not withhold from the employees in the various States, including my own State of Nebraska, the money which is now in the United States Treasury, and which will be used for the benefit of employees in the 13 States involved in this measure if the gentleman does not object.

Mr. BOILEAU. Something was said a moment ago here about Mr. Altmeyer, of the Social Security Board. Does he recommend this legislation?

Mr. FULLER. Yes.

Mr. McLAUGHLIN. I am informed that he does.

Mr. DOUGHTON. He had no objection to it; none at all.

Mr. BOILEAU. Mr. Speaker, after making a brief statement, I shall withdraw my objection. I serve notice here and now that so long as I am a Member of this House, hereafter no such bill as this will pass by unanimous consent. If hereafter in the course of our legislation, and for the purpose of trying to have uniform laws throughout the United States, the Congress of the United States says that in order for a State to benefit from national legislation it must do a certain thing by a certain time, and thereby coerce States to come within the law that might not otherwise do so, then, as I say, so long as I am a Member no State that does not comply will get the same benefit as other States by unanimous consent. Mr. Speaker, in view of the fact that apparently I stand alone in the House in opposition to this bill and because I do not want to be put



in the position of assuming such responsibility, because I have not given it such thought as I should, not realizing it was coming up today, I withdraw my objection.

Mr. RICH. Mr. Speaker, I reserve the right to object in order to say this: I concur heartily with the gentleman from Wisconsin, but it was not the fault of these 13 States as much as it was the fault of the Congress for not giving them time enough to enact this legislation. We should have given them at least 6 months or a year longer so that they could have done this in an orderly procedure. It was our fault and not the fault of the 13 States.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

#### PROTECTION OF CERTAIN ENLISTED MEN IN THE ARMY

Mr. MAY. Mr. Speaker, I am advised that the gentleman from Indiana desires to withdraw his objection to the consideration of Senate bill 2871, for the protection of certain enlisted men of the Army.

Mr. SCHULTE. Mr. Speaker, I reserve my objection.

The SPEAKER. The Clerk will report the title of the bill. The Clerk read the title of the bill.

Mr. SCHULTE. Mr. Speaker, reserving the right to object, the gentleman from Kentucky [Mr. MAY] has just made the statement that there are 7,000 aliens in the United States Army. This bill undertakes to place them on a parity with the other officers and enlisted men who want to retire. The point I am trying to make—and I believe it is to the advantage of the House to gain this information—is that there are 7,000 aliens in the United States Army today. I did not know that, and I do not believe any other Member of this body knows. Does that not place this Nation in an embarrassing position in the event of war? For instance, suppose the 7,000 are concentrated in one camp under an alien officer. Under the gentleman's bill, they seek to place them on a par with former members of the United States Army who are now citizens. Is that right?

Mr. MAY. The gentleman is quite mistaken about that. The bill bars them from being paid a single cent of appropriation for 1938 and requires that they immediately be discharged, and more than 1,000 of them have already been discharged.

Mr. SCHULTE. Will the gentleman yield?

Mr. MAY. Yes.

Mr. SCHULTE. But is it not a fact that today we have 7,000 aliens in the United States Army, men who are not citizens of this Nation?

Mr. MAY. I have already said to the gentleman that that is the war record on it, and some of them have been in service as long as 29 years. Most of them are volunteers of the World War and have not only rendered heroic service with our armies in France but remained in the service since.

Mr. SCHULTE. I am not questioning their integrity or their loyalty to this Nation, but I am making the point that it is time this Nation recognized the fact that we have in our Army 7,000 aliens. I am not questioning their sincerity of purpose nor their loyalty to this country. We all hope and pray to God that they are loyal, but what an embarrassing position it places us in. Why, any country could send men to the United States, have them join our Army. Then they would be placed in some important position or given or placed in charge of some munitions depot, and when war was declared we would find internal trouble in our armies and dissatisfied soldiers, with disastrous results to our country.

Mr. Speaker, at the request of my good friend from South Carolina, who has studied this matter, I am going to withdraw my objection.

Mr. MAY. There is no question of loyalty or patriotism involved in this measure. It is merely a proposal to make it possible for these honored and faithful soldiers that have

already rendered service to their country to be paid for that service.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. MAY]?

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object—and I shall object if the bill is what I think it is—as I understand, it has been brought out very clearly that the bill recites there are 7,000 aliens in the United States Army.

Mr. MAY. No. The bill does not recite that. That is the report from the War Department.

Mr. JENKINS of Ohio. I mean, that is the fact.

Mr. MAY. And that is an accumulation of enlistments in the United States Army over a period of 30 years. If the gentleman wants to know my attitude about it, I am as bitterly opposed to that as he or any other Member of this House, and I expect to bring in from the Committee on Military Affairs, if I can get it through, a bill that will forever prohibit enlistment in the United States Army originally of any alien, and requiring that those who are hereafter permitted to enlist and found in the Army be discharged without pay.

Mr. JENKINS of Ohio. What I am trying to get at is this: I am perfectly willing that every soldier, be he alien or what not, if he has been in the Army, should be paid. If this bill provides payment for him regardless of the passage of a law that prevents certain appropriations to go to any alien, I am perfectly willing to let down the bars and pay that man because we have a contractual obligation. I am not willing that these people be continued on the rolls so that eventually a man might serve, as the gentleman says, in the United States Army 29 years and not think enough of the United States Government to become a citizen, and then retire and go out and live the balance of his life as a retired United States soldier and still not be a citizen.

Mr. MAY. Will the gentleman let me answer that?

Mr. JENKINS of Ohio. Yes; certainly.

Mr. MAY. These men were enlisted in the United States Army on the statement that they did not have to take the oath of allegiance because of the length of time they had been in the country. Most of them were volunteers in the World War. Now, after they were enlisted in the Army they have served from 5 to 29 years. Many of them have married and have families. More than 1,000 of them have been discharged on account of this condition. This bill prohibits the reenlistment of any of them until they have obtained their citizenship papers, and prohibits payment of a dime of money to them unless they do get their citizenship.

Mr. JENKINS of Ohio. If that is the case, then this bill has a coercive effect in that these people must clear up their citizenship?

Mr. MAY. Yes.

Mr. TOBEY. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. TOBEY. Is it not a fact that the first allegiance of all these 7,000 men is some foreign country?

Mr. MAY. The first allegiance was, but they have taken the oath in the Army.

Mr. TOBEY. But not the oath of citizenship.

Mr. MAY. No; but an oath of allegiance required of all enlisted men.

Mr. TOBEY. Therefore they are still aliens and outside the pale of our citizenship?

Mr. MAY. That is right.

Mr. JENKINS of Ohio. Still reserving the right to object, Mr. Speaker, what does this bill do, if anything, with reference to providing in the future that no alien can be admitted into the Army?

Mr. MAY. It does not say that, but I have just stated to the gentleman that it is the plan of my committee to bring in legislation prohibiting it, and the War Department has assured me that none of them will be permitted to enlist, but that all that are in there will be discharged.

Mr. JENKINS of Ohio. Why not let this bill run along until that is done.



Mr. MAY. There is an emergency condition that affects several hundred men who have already been discharged, who can get no pay, yet who have families to support and have already earned the money.

Mr. JENKINS of Ohio. In view of the fact that the gentleman has always stood on the floor as one of the able exponents of American protection, I am constrained to withdraw my objection; but I am going to hold the gentleman to his promise that he will bring in that bill.

Mr. SABATH. Mr. Speaker, reserving the right to object, it was absolutely impossible for me to hear the explanation of the bill. Will the gentleman tell us what the outstanding provisions of the bill are?

Mr. MAY. I am sorry that the gentleman did not hear, and I regret to have to restate it so many times. The 1938 appropriation act for which we all voted prohibits payment to any alien either in the military or civilian service of the Government of any part of these appropriations. There are men in the Army who have been there from 5 to 29 years, they have families, they have served, yet they are being discharged because of their lack of citizenship as fast as the War Department can get rid of them. This bill undertakes to pay those men for services they have already rendered, and it likewise prohibits payment to anyone who has been discharged until he obtains citizenship.

Mr. SABATH. Yet, many of these men have rendered great, valuable, and gallant service to our country and have fought for our flag.

Mr. MAY. More than 15,000 of them fought in the World War and none has shown any disloyalty.

Mr. O'CONNOR of New York. Mr. Speaker, I am compelled to demand the regular order. We have other business to transact this afternoon. This was supposed to take only a minute.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ROBSION of Kentucky. Mr. Speaker, I object.

#### INVESTIGATION OF FEDERAL JUDICIARY

Mr. O'CONNOR of New York. Mr. Speaker, I call up House Resolution 287.

The Clerk read as follows:

#### House Resolution 287

*Resolved*, That the Committee on the Judiciary, as a whole or by subcommittee, is authorized and directed to investigate the organization and operation of, and the administration of justice in, the courts of the United States inferior to the Supreme Court; the jurisdiction, both as to territory and subject matter; the procedure; rules of practice; and costs.

The committee shall report to the House during the present Congress the results of its investigation, together with such recommendations for legislation as it may deem advisable.

For the purposes of this resolution, the committee or any subcommittee thereof is authorized (1) to sit and act during the present Congress, at such times and places within the United States as it may deem necessary, whether or not the House is sitting, has recessed, or has adjourned; (2) to hold such hearings, to require the attendance of such witnesses, and the production of such books, papers, and documents, and to take such testimony as it may deem necessary; (3) to issue subpoenas under the signature of the chairman of the committee, or any member designated by him which shall be served by any person designated by such chairman or member; and (4) to administer oaths to the witnesses, respectively, by the chairman or any member of any committee acting hereunder.

Mr. O'CONNOR of New York. Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts [Mr. MARTIN].

Mr. Speaker, this resolution will be explained fully by members of the Committee on the Judiciary.

Mr. Speaker, I ask unanimous consent that the Rules Committee may have until midnight tonight to file certain rules.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. O'CONNOR of New York. Mr. Speaker, I wish to announce that the Rules Committee will meet at 2:30 this afternoon.

Mr. Speaker, I yield 10 minutes to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Speaker, this is the resolution which under a unanimous-consent request on yesterday was partially explained, and probably in a very poor and disjointed fashion, so that you did not get the right perspective upon the merits of the resolution. I am going to ask the distinguished chairman of the Committee on the Judiciary if he will explain this resolution to the House in his own inimitable way. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. O'CONNOR of New York. Mr. Speaker, I yield the balance of that time to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Speaker, I shall be very brief in this explanation.

Mr. Speaker, the Committee on the Judiciary of the House is perhaps, more nearly than any other agency of Government, the agency of visitation with reference to the Federal judiciary. Complaints with reference to the conduct of Federal judges, at least in the first instance, come to that committee. Many informal examinations are made sometimes at the instance of all the parties. Investigations as to needed legislation are made, information is gathered from many sources, but we have no authority, of course, to make any investigation, speaking generally, of a particular sort, a thorough investigation, unless it has that authority from the House. It has no power to summon witnesses, and so forth.

This committee is convinced that there are some fundamental things with reference to the Federal judiciary that ought to be inquired into. We believe, for instance, that there is an improper allocation of business as among the districts of the country. Such questions as to whether or not a judge of the circuit court ought to sit as a district judge; to what degree, if any, judges of the circuit court ought to be permitted to oust a district judge of jurisdiction in a particular matter, and so forth. There are some specific situations, some particular situations, that the committee feels ought to be inquired into.

What I am saying now supplements what has been said frequently here and what has been said in the Senate with reference to the necessity of making some inquiry, some study, of the organization and operation of the Federal judiciary. We feel that a special committee ought to be created with the right to summons witnesses, to administer oaths, to take testimony, and so forth, in order to inquire into the matters which I have mentioned and the other matters which through various channels have reached the attention of the committee and of Members of the House. Now, with that statement which, obviously, I have not attempted to make complete, I yield to any Member who wants to ask me a question.

Mr. BURDICK. Mr. Speaker, would this committee attempt to investigate complaints against individual judges, or would their work be limited to the system of jurisprudence?

Mr. SUMNERS of Texas. I may say to my friend, the gentleman from North Dakota, that in the main they would be limited, I assume, to the system of jurisprudence.

It is possible that situations have developed that the committee would feel in the interest of the general good ought to be particularly inquired into.

Mr. SABATH. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Illinois.

Mr. SABATH. If evidence is presented, or complaints should be made, to the committee that in certain districts cases have been assigned somehow or other to be heard by one judge as against other judges, does not the gentleman think that would be justification to investigate how such things are possible and how it is possible that one judge obtains the assignment to hear some of these cases wherein certain lawyers or interests find themselves on the calendar?

Mr. SUMNERS of Texas. May I say to my distinguished friend, of course the committee has not been appointed



and necessarily has not determined its policy, but I believe it would be safe to say to the gentleman that in any particular situation such as he indicated the committee would possibly investigate the situation for the purpose of ascertaining at least what is being done in order to attempt to bring about remedial legislation.

Mr. HOUSTON. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Kansas.

Mr. HOUSTON. Is not the objective of this proposition to bring in corrective legislation covering certain conditions that may be found to exist all over the country? Would the committee have the power of recommendation for a new Federal judge in any district?

Mr. SUMNERS of Texas. It would under this resolution.

Mr. HOUSTON. It is almost impossible to get an investigation of a proposition in this House unless a particular committee has a preliminary hearing, and, as the gentleman knows, without the power of subpoena, it is impossible to get the evidence you want.

Mr. SUMNERS of Texas. Yes. I stated to the House the committee would be disposed to investigate the allocation of business among the districts and, naturally, would investigate to determine whether or not a particular district might be undermanned.

Mr. HEALEY. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Massachusetts.

Mr. HEALEY. There have been numerous bills introduced in this session and in other sessions by various Members having to do with sessions of the United States court in particular sections of a State or judicial district. It is rather difficult for the committee on cursory examination to satisfy itself whether or not a term of court should be authorized for a particular section or district. If this investigation is made, the committee would be better able to determine how the business in the various districts of the United States should be allocated.

Mr. SUMNERS of Texas. That is true. The committee hopes to be able, as a result of this investigation, to get some dependable information which will make it possible for it to proceed not so much in the dark, as this committee is now compelled to proceed.

Mr. THURSTON. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Iowa.

Mr. THURSTON. In the rather expeditious proceeding which concluded the bill the gentleman brought in here earlier in the day—H. R. 2260—I was not able to make the inquiry which I think is pertinent not only to that bill but to the subject that is now under consideration. The bill just passed provides that the Department of Justice may intervene where an act of Congress is claimed to be unconstitutional. No reference was made to a greater number of cases wherein a State statute is alleged to be unconstitutional and which ultimately reaches the United States Supreme Court. In other words, the philosophy of the Shreveport case states that excessive production in intrastate commerce or within a State may affect interstate commerce. It seems that is a field involving a legal principle that should be examined so that if a Federal question or policy of the Federal Government enacted into legislation was in question in a case appealed from a State supreme court the Attorney General or the Federal Government should have the right to intervene in a case of this character.

Mr. SUMNERS of Texas. I may say to my friend, he makes a very important and interesting suggestion. We did not consider in the bill referred to situations with reference to litigation coming up from the States.

Mr. THURSTON. It seems to me that subject should be called to the attention of the committee.

Mr. SUMNERS of Texas. All I can discuss now is the scope of the resolution now pending before us. I could not

undertake, of course, to indicate what the committee might determine upon.

Mr. McFARLANE. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Texas.

Mr. McFARLANE. Would the committee, in its investigation, consider the possibility of legislation to limit the terms of these Federal district judges? We hear a great deal of complaint about the way they are allowing tremendous receivership fees and attorneys' fees and the high-handed manner in which they conduct their courts. I am wondering if the committee will consider bringing these gentlemen back to earth and have them operate on a term basis? The gentleman's committee would look into that matter?

Mr. SUMNERS of Texas. I have to repeat I do not know what the committee will do, but I believe the committee would have the authority to do that under the provisions of this resolution.

Mr. WALTER. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Pennsylvania.

Mr. WALTER. In the provisions of the bill agreed upon by the conferees there is a most important one, as I view it; that is, the authority to assign judges in districts where the business has become congested. Under the present law it is possible to do that; however, we find from experience it is not done and has not been done as much as it should have been. Does not the gentleman feel that the committee appointed under this resolution can secure a great deal of valuable information that will enable the Chief Justice to independently determine where the business has become so congested as to require an additional judge temporarily?

Mr. SUMNERS of Texas. I agree that the authority is contained in this resolution to do that very thing. Of course, we will have to have eventually some agency of visitation supervisory and regulative within the judiciary itself. That will have to be worked out sometime.

Mr. PATMAN. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Texas.

Mr. PATMAN. The committee will have the authority, I presume, under this resolution to investigate the alleged misconduct of any judge of an inferior court?

Mr. SUMNERS of Texas. May I be very candid with the gentleman and say that the committee, in trying to do this fundamental work, hopes it will not have to spend all its time answering complaints by disgruntled litigants with reference to particular judges. Do not get me too far out on that. We have the authority perhaps under the resolution, but we do not want to advertise it too much.

Mr. PETTENGILL. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Indiana.

Mr. PETTENGILL. I do not intend at this time to go into the merits of some important legislation that has been pending before the gentleman's committee during this session of Congress. I am sure, however, that this has been the most trying session of Congress that the gentleman has ever served in. I am personally unwilling to let the session come to a close without expressing what I think is the sentiment and the sense of an overwhelming majority of this House if not of every Member, and the sentiment of the Nation as well; that is, that we appreciate the patriotism, the coolness, and the exalted courage with which the great chairman of the Judiciary Committee of the House has met the responsibilities of his office during the present session of Congress. That applies also to all of his colleagues on the Judiciary Committee.

May I also say to the gentleman from Texas that his conduct during the present session of Congress has done more to reestablish the dignity and the prestige of this great parliamentary body than has been done by any other Member of this body during my four terms of service in Congress. [Applause.]



Some day, when the gentleman cannot hear them, words such as these will be said in reviewing his distinguished public service. But I prefer to say them now when the gentleman may know, in this inadequate fashion, the regard in which we hold him.

May I say further to the gentleman from Texas that it is plain to me he is tired and worn out by his service during this session; but in the words of the Romans, in the brave days of old, "He has deserved well of the Republic." [Applause.]

Mr. SUMNERS of Texas. I surely do appreciate what the gentleman has said. I like to hear things like that said about me, just the same as anybody else, but I kind of like to hear them through the crack of the door. It sort of embarrasses me, but I appreciate it just the same.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. I ask for this time to reiterate what the distinguished gentleman from Indiana has stated, and to state further that I think, because of the action of the House Committee on the Judiciary through its distinguished chairman, the people of this country will appreciate greatly this opportunity for the committee to go abroad in the land and bring back to us at the next session of Congress a report on whether there is anything wrong with the judicial system of this country. I am sure the people of the United States will have confidence in whatever report this committee brings back. [Applause.]

Mr. MOSER of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Pennsylvania.

Mr. MOSER of Pennsylvania. The distinguished chairman of the Committee on the Judiciary has mentioned that the committee would be disposed to make certain investigations. Once before on the floor of this House I made some mention of a personal experience. A lawyer representing a contractor who had given a bond for the faithful performance of his duties refused to settle a certain amount on demand. He next appeared for the sureties on the bond. A civil suit was instituted in the district court of the United States. The assistant district attorney having charge of the prosecution of this case passed on. The lawyer became the assistant district attorney. From assistant district attorney he became Federal district judge. Obviously, after he became the assistant district attorney the case was never prosecuted and was never called for trial. Since he has become the district judge the case has never been heard. Would it be within the scope of the power of this committee to investigate the prejudices and the motives of this judge?

Mr. SUMNERS of Texas. I repeat the answer I made a moment ago—that I think the committee has such authority, but I do not want it advertised too much until we can get going; we want to give attention first to fundamental things.

Mr. CASEY of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Massachusetts.

Mr. CASEY of Massachusetts. Will the question of salaries of the judges come within the scope of the investigation?

Mr. SUMNERS of Texas. It could do so.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Illinois.

Mr. SABATH. There have been a great many complaints that many cases are removed from the State courts to the Federal courts by certain corporations. This practice has been abused to such an extent that I believe it would be well for the committee to look into it and see whether we should stop the removal of cases from the State courts to the Federal courts in many cases where corporations do not feel they are absolutely safe in States where they are doing business

and receiving benefits under the charters issued by such States.

Mr. PETTENGILL. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman from Indiana.

Mr. PETTENGILL. Would it be within the scope of the investigation to inquire into the old question of having official court reporters for the United States district courts?

Mr. SUMNERS of Texas. I believe so.

Mr. PETTENGILL. This is a matter into which I hope the committee will look, because it is a great inconvenience to litigants to have to bring their personal stenographers to make up a record of the proceedings. It seems to me it is against the dignity of the United States district courts not to have official court reporters.

Mr. SUMNERS of Texas. If there are no further questions, I am through. I am deeply grateful for the generous attitude of the House toward the members of the Judiciary Committee and toward myself. I thank you. [Applause.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, this matter was up yesterday. The chairman of our committee has brought out very clearly the points I raised yesterday.

This is an important resolution, in the first place, because it sets a precedent. This is the first time in the history of the Congress, so far as I am able to learn, that a committee has been given authority to investigate such matters as it may see fit, in connection with the judiciary. In other words, I can best illustrate my opposition to this resolution by stating that I am opposed to giving anybody a blank check whether to spend money or investigate without limitations or specific instructions. I am opposed to setting up an investigating committee with a roving commission to go about the country doing what it sees fit, spying upon courts, creating distrust, and intimidating judges. No committee should have such authority, and no committee should covet such power.

This resolution will pass, of course, but I ask you to read the remarks of our chairman in tomorrow's Record, with reference to what it is expected this committee will do under the resolution. Surely he has been fair in indicating that absolute discretion is lodged in the committee. My thought is that a resolution of investigation should be specific. No committee should be sent out from the Congress, as some committees have been in recent months from another body, with permission to send out investigators and spies, and with authority to explore any fields desired. Under this resolution such a condition will obtain.

The resolution provides that the committee may investigate six designated matters. First, the organization and the operation of the courts of the United States, which is a laudable thing, a specific thing, and an investigation for which the committee is qualified. Second, to investigate "the administration of justice." This is the clause which the chairman states he does not want to be asked to interpret. Third, the jurisdiction both of the territory and of the subject matter, another laudable thing, and a thing which the committee should investigate. Fourth, the procedure. This is another thing the committee should investigate. Fifth, the rules of practice, and this, again, is something the committee should investigate. Sixth, the costs, and this is another thing the committee should investigate.

This brings me back to the one thing in the resolution to which I object, and that is that this committee may investigate "the administration of justice" in the Federal courts.

Mr. LUCAS. Mr. Speaker, will the gentleman yield for a question?

Mr. MICHENER. I yield to the gentleman from Illinois.

Mr. LUCAS. Does not the gentleman believe the question of costs may be involved in the administration of justice?

Mr. MICHENER. Yes, of course; but if that is true, why is the question of costs specified? Perhaps the gentleman, who is a distinguished lawyer, has not read the resolution



carefully or does not know what it contemplates. It follows the lines of the usual resolution in specifying the things the committee may do, and then it puts in a catch-all clause, stating that the committee may investigate "the administration of justice."

Mr. LUCAS. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. LUCAS. What does the gentleman understand, from the discussions that went on in committee before the resolution was presented to the House, as to what that term means?

Mr. MICHENER. This resolution was never discussed in the Committee on the Judiciary. It has never been before the Committee on the Judiciary. This is a resolution from the Rules Committee authorizing the Judiciary Committee to investigate. Sometime ago the matter was discussed by the gentleman from Alabama and the chairman of the committee before the Judiciary Committee with respect to making a general survey of the courts, the practice, jurisdiction, procedure, and so forth. The first time I ever realized what was contemplated was when the gentleman from Alabama on yesterday, on the floor, called this bill up, and at that time indicated that one of the purposes was to investigate the conduct of judges without pointing the finger of suspicion at them; in other words, any Federal judge in the country might be investigated but he would not know he was being investigated and he would have no way to answer. My thought is that if we are going to investigate a Federal judge we should follow the constitutional method and charge that Federal judge openly with what we are investigating him for, and that he should be permitted to be heard and should be given some consideration.

Mr. HOBBS. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield to my colleague.

Mr. HOBBS. For the purpose of refreshing the gentleman's recollection, does he not recall making substantially the same statement upon the floor of the committee he is now making; and, in addition to that, then using the words "smelling expedition"?

Mr. MICHENER. Yes; of course I did.

Mr. HOBBS. So it was considered in the committee.

Mr. MICHENER. Not this resolution. We never saw this resolution.

Mr. HOBBS. But there was a resolution being considered in our committee.

Mr. MICHENER. Oh, yes; the gentleman from Alabama stated he felt there should be a general survey and we discussed in the committee some weeks ago whether we should ask for an investigation of the judicial system, and it was determined that the only way it could be brought about was to go to the Rules Committee and ask for a regular investigating resolution. I never understood that we were setting up a committee to pass on the qualifications of judges.

The chairman of our committee states that you can trust our committee not to do anything which we should not do. Well, the chairman would not do anything that he does not believe should be done, because he is a splendid man, but he may not be the chairman all the time. We are establishing a precedent that is coming back to plague us. You have heard enough inquiries on the floor here today to realize that if they were all investigated by this committee, the committee would be kept busy for 6 months, and you have not even started.

The real nub of the whole thing, so far as my objection is concerned, is the concise question asked by the gentleman from North Dakota [Mr. BURDICK], when he inquired whether it was to be the purpose of this committee to investigate procedure and so forth in the Federal courts or whether it was to investigate the individual conduct of judges. Now, there may be judges throughout the country whose conduct is under suspicion. If so, I think the matter should be brought out in the open. Secret spies, investigations, and police do not fit in our system of government.

I did call this a "smelling committee" on the floor yesterday, and I say it is beneath the dignity of the Judiciary

Committee to accept a commission as a smelling committee when some disgruntled litigant, because he has lost a lawsuit, makes complaint against a judge; and the committee gets dozens of such cases every year. Our splendid chairman can tell you that we receive letters by the score from men and women who complain. Sometimes they are deranged and sometimes they have lost a lawsuit and sometimes they think a judge has not done the right thing.

Now, I do not want to set up a permanent committee for even this session to rush hither and yon to investigate matters of that kind.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield the gentleman 5 more minutes.

Mr. MICHENER. We have always said to these complainants, "If you have any proof, bring it to the committee and it will receive consideration", and it does receive consideration. I do not know why we should send a committee to New York or to Chicago or to San Francisco or to New Orleans, or where not, to investigate the Department of Justice and see whether or not the judges who have been commissioned and who are operating under the law of the land are carrying out their duties according to the notions and the fancies of this particular committee.

Mr. CASEY of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. CASEY of Massachusetts. The gentleman states that he understands in the phrase "administration of justice" something that amounts to a smelling expedition or suspicion with respect to the particular judges involved. I can comprehend in that phrase other things outside of the gentleman's inference, such as the manner in which jurors are drawn, whether a judge shall have the right to comment upon facts or be confined to law, and I do not think that the investigation of any committee should be limited to something specific, because something may come up that we cannot possibly foresee.

I, for one, am content to let this committee, under the leadership of the gentleman from Texas [Mr. SUMNERS], have that discretion.

Mr. MICHENER. The resolution comprehends the matters to which the gentleman refers without the indefinite power to which I object. I am laboring under no misgivings at all. I know well that this resolution is going to pass. I am not going to ask for a roll call upon it and take up time, but I do want the record. There is a difference in investigating for the purpose of framing legislation and for the purpose of setting up a sort of an inquisition against politically or otherwise unpopular judges. The judiciary should be independent and should not be subject to harassment or threats of investigation by any committee of this sort.

Mr. LUCAS. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. LUCAS. Does the gentleman understand from this resolution that the committee would be able to go to Springfield, Ill., and there subpoena a Federal judge and cause said judge to come before it and examine him on the conduct of his office?

Mr. MICHENER. Yes.

Mr. LUCAS. Under the construction of the term "administration of justice"?

Mr. MICHENER. Yes.

Mr. LUCAS. Then I would like to ask the chairman of the committee whether that is contemplated and whether it could be done under this resolution?

Mr. MICHENER. This is a grand jury investigation—a committee sent out to see if it can find something wrong with a judge.

Mr. SUMNERS of Texas. I am afraid I did not catch the gentleman's question.

Mr. LUCAS. Will the gentleman permit me to ask the chairman that question.

Mr. MICHENER. I will put the question to the chairman.

The question is, whether or not, if this committee were set up under the authority given here, it would have authority



to subpoena in a judge—or anybody it saw fit—in any particular district, and to inquire as to the manner in which justice was being administered in that jurisdiction. I replied that the committee surely would have this power under this resolution.

Mr. SUMNERS of Texas. I may say this to the gentleman. I do not know what the other members of the committee might think, but I do not believe any committee coming out of the Committee on the Judiciary would go about summoning judges to inquire about how they run their office, but I do believe, if questions of costs were involved, and how trials are conducted and how jurors are drawn were being investigated, I think they would respectfully ask the judge to give them what information he could, and I cannot imagine a judge of the United States court who would not give it.

Mr. MICHENER. Neither can I, but that is not the question. The Judiciary Committee never subpoenas judges. We ask them to come in and they come in. The question is whether, under this resolution, there is authority lodged in the committee, by subpoena, to call before it any person in the United States to testify in reference to inquiries which the committee may submit concerning the administration of justice in the Federal courts. I feel certain the chairman will admit that is one of the purposes of the resolution.

I appreciate that, if the steam roller is used, an amendment to this resolution is not in order. I hope, however, that those in charge will permit me to offer an amendment and let the House vote on eliminating the provision permitting this itinerant committee to take upon itself the job of supervising the life, morals, and conduct of Federal judges. A free and independent judiciary means that it must not be in constant fear of secret inquisition on the part of the Congress. I thought this question had just been settled in the Senate. The President should not control the judiciary; neither should the Congress.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. DITTER].

Mr. DITTER. Mr. Speaker, I preface my observation by an honest effort without restriction or restraint to pay my sincere compliment to the distinguished chairman of the Committee on the Judiciary. I know he enjoys not only the confidence of the House but the commendation of the country at this time. I think that the proponents of this measure are using the distinguished chairman in order to sell this measure to the House. We all know that if the chairman of the Committee on the Judiciary is back of this resolution, it will be adopted, but I do believe that there are some things in it that he cannot approve wholeheartedly.

I do not go along with my colleague from Michigan [Mr. MICHENER] to the extent of saying that all of the provisions are harmless with the exception of the provision relating to the administration of justice. I am thinking of that phrase "the rules of practice" and I am thinking of the time-honored precedent established in most of the courts that the court should determine its rules with respect to admissions to the bar, without the help or the criticism of this proposed investigating committee. Still I can see where under the wording of the resolution now before us, this roving committee, this inquisitorial body, this sniping, snooping, smelling committee, could go out into the Federal districts and try to be both persuasive and probably mandatory with reference to the rules of admission to the bar of that court. I am wondering whether that is a wise precedent to establish. I am wondering whether or not the lawyers who are Members of the House do not feel a bit jealous of the prerogatives of their own courts with respect to admission and whether they do not resent the inquisitorial powers of the Congress to pass upon the qualifications for admission to the several bars of the United States courts.

I have confidence in the chairman of the Committee on the Judiciary, and I yield to him to say whether or not under the resolution as prepared the condition that I have

presented might not prevail. Again, there has been an hysteria, a mania, for this matter of investigating everything. Inquisitorial bodies and investigating bodies armed with the powers of prosecutor, judge, and jury, and cavorting at the expense of the taxpayers, are trying to find out how we live, when we sleep, where we eat, what we wear, what we say, with whom we go out, and everything else under God's blessed sun, so that the most intimate relationships of family life are hardly safe, sacred, or secure any more. People in private and public life are hounded on all sides by this ever-increasing army of gossip-mongering, scandal-spreading investigators, whose chief ambition in life seem to be to pick up as much mud as they can find and throw it at somebody. Tearing down reputations is their well-paid pastime. But the thing that is dangerous here, the serious thing, is that at the present time the courts of the United States in the administration of justice and the probity of judges and the integrity and honesty of men on the bench are being questioned in high circles and in low circles. This is just another method intended to cast suspicion upon and to create doubt in the judicial system of the country. I submit that confidence in the courts is the very foundation stone upon which a self-governing people must build. Destroy that confidence and you invite lawlessness, violence, anarchy, and ultimate despotism.

If there are men on the bench in any Federal district who should be impeached, it is our duty to proceed against them. But, let us do it openly, honestly, courageously, and not resort to a method which cannot command respect because of its stealthy, secretive, and inquisitorial characteristics.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. DITTER. But I am opposed to this preliminary impeachment method, and that is all it amounts to—a preliminary impeachment on the part of a committee of this House, in order to get evidence upon which they can subsequently come in here with their bill of impeachment. If a judge should not be on the bench, then why has not the committee the moral courage and fortitude to come here with its bill of impeachment and lay a foundation on which he can be tried? This is simply another one of the strong-arm methods of which we have already seen too many in the last few years.

The SPEAKER. The time of the gentleman has again expired.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes out of order.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I read in a morning paper that the administration had its last round-up last evening, when 60 Members of another body, all acting like brothers, all mellow, so the paper says, which I assume means that they were in high spirits, or should I say in good spirits, foregathered at a local hotel for a harmony dinner. To make the occasion appear more harmonious some brilliant mind conceived the idea of liberating two doves of peace that roosted on one of the rafters. [Laughter.] There was a little note of discord sounded. [Laughter.]

One gentleman who happens to be very prominent in the body to which these gentlemen belong, said:

We must be on our guard against those who profess to lead us and have not been indoctrinated with sound democratic and constitutional principles.

I hope those remarks were not aimed at someone somewhat higher up in the counsels of the party, especially at a time like this when you are straining every nerve to restore harmony, and to heal, yes, to remove the scars of recent battles. The paper, of course, draws the inference that the remark was made at one of the colleagues who is not a mem-



ber of the party, but who, I understand, has been elevated to the position of leadership within the past 2 weeks.

This speech—

Says the paper—

was accorded some of the heartiest applause of the evening, as the much-torn ranks of the party attempted to find a common ground for reunion.

They had letters from distinguished officials, which my time will not permit me to read.

It would seem to me, Mr. Speaker, that the organist had a very fine sense of fitness when he played *The Last Round Up* as the opening number of the evening. Now, what is a round-up? A round-up is where they gather up all the mavericks and apply the branding iron on them [laughter] preparatory to shipping them down the river. I daresay that some of those who attended that round-up have the ranch markings—

Mr. MAVERICK. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. I was not referring to the gentleman from Texas. [Laughter.] I was speaking of unbranded Democrats. [Laughter.] I do not know whether they applied the branding iron to the doves or not. I guess they branded everyone else.

Of course, we love to see the other side dwell in harmony, and we will do everything within our power to promote a spirit of harmony among them. [Laughter.] In fact, we would be glad to ship you a crate of doves of peace, branded or otherwise, if it would help to bring about more harmony among you.

Reading further, I see where one speaker said:

It is an honor for an unreconstructed rebel to be called on at a time like this for a speech. I have not always agreed with so-and-so. I have not always agreed with so-and-so. But I am a Democrat first, last, and always.

[Applause.]

Another distinguished speaker made some remarks which would indicate to me that he is not a little tinged with sound Republican doctrine. [Laughter.]

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. KNUTSON. But he goes on:

We cannot and must not accept that which is merely called democracy for temporary political success on the basis of destruction of property and infringements of personal liberty.

I would say that that gentleman is a Republican, or at least a Jeffersonian Democrat. These days they are both pretty much alike. [Laughter.]

Mr. HOBBS. Mr. Speaker, I ask that the gentleman's words be taken down. [Laughter.]

Mr. KNUTSON. If the gentleman proposes to ride to fame on my coattails, it is all right with me.

The SPEAKER. Which words does the gentleman ask be taken down?

Mr. KNUTSON. Is the gentleman offended at the eulogy I pay to Thomas Jefferson?

Mr. HOBBS. No. The words I regard as insulting to us Democrats are those by which it was intimated that a Jeffersonian Democrat even faintly resembles a Republican. [Laughter.]

Mr. KNUTSON. I apologize to the Republicans. [Laughter.]

When it was all over, one who had attended the love feast, evidently without profit, strode glumly out of the room, and when a newspaperman asked him if there had been harmony in there he said, "Harmony, hell! and don't quote me." [Applause.]

[Here the gavel fell.]

Mr. GREENWOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. McSWEENEY]

Mr. McSWEENEY. Mr. Speaker, I ask unanimous consent to speak out of order on the subject of the Supreme Court.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

(Mr. McSWEENEY asked and was granted permission to revise and extend his remarks in the RECORD.)

Mr. McSWEENEY. Mr. Speaker, I directed a letter to the Chief Justice, which I could not read into the RECORD before, because I had not received an answer from him. I felt it to be unethical and discourteous to use the letter until I had his authorization. From his secretary today I received this word:

SUPREME COURT OF THE UNITED STATES,  
Washington, D. C., August 10, 1937

Hon. JOHN McSWEENEY,  
House of Representatives, Washington, D. C.

MY DEAR MR. McSWEENEY: Chief Justice Hughes telegraphed me today from Jasper Park, Canada, as follows:

"Inform Mr. McSWEENEY that I cannot undertake to discuss the proposal contained in his letter which, as it relates to action by the Court, will be referred to the Court; that, with that understanding, I have no objection to the inclusion of the letter in his speech."

I telephoned the foregoing to your secretary this afternoon.

Very sincerely yours,

W. W. MISCHLER, Secretary.

My letter to the Chief Justice is as follows:

JULY 29, 1937.

The CHIEF JUSTICE OF THE UNITED STATES,  
Washington, D. C.

MY DEAR MR. CHIEF JUSTICE: May I respectfully call to your attention a proposition which I feel, if carried into effect, would eliminate one of the controversial points relative to the Court reorganization program suggested by the President?

Both the proponents and the opponents of the Court plan and the citizens of our country in general agree that legislation enacted by the Congress of the United States should not be declared unconstitutional by a bare majority of the membership of the Supreme Court. Is it not entirely within your province as Justices of this Court to establish a rule whereby the members of the Court would not declare an act of the Congress unconstitutional unless at least six of the nine Justices voted it unconstitutional? This change could only be forced upon the Court by a constitutional amendment. However, I can find nothing in the Constitution or among the Federal statutes that would deny the Justices of the Court the right to establish voluntarily this regulation for a 6-3 or even 7-2 vote when the constitutionality of the acts of the Congress is in question.

A mutual respect for the members of the different branches of Government is essential to high efficiency in the operation of Government. Would it not be a mark of courtesy to the able and patriotic Members of the House and Senate, many of whom are distinguished lawyers and judges, for the Justices of the Supreme Court to rule that the vote of a bare majority of the Court was not sufficient to declare unconstitutional laws enacted by the 435 Members of the House of Representatives and the 96 Members of the United States Senate?

I shall be deeply grateful for any consideration which you and your fellow Justices may give to this suggestion.

I beg to have the honor to remain,

Respectfully yours,

JOHN McSWEENEY.

I realize that were this rule adopted by the present membership of the Supreme Court it would not be binding upon future memberships. However, it would undoubtedly become a precedent. The Justices have always tried to resolve any doubts as to the constitutionality of acts of the Congress in favor of their constitutionality. Could this mental resolution not be put in the more concrete form by insisting that at least six of the nine Justices be required to declare these acts unconstitutional?

I have every respect for our Federal courts. The adoption of this rule by the Court would be an expression of respect of the membership of the Supreme Court for the President of the United States and for the Congress. I earnestly hope that the Justices will act favorably upon this proposal.

Mr. GREENWOOD. Mr. Speaker, I move the previous question on the resolution.

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. Will there be any opportunity for amendment? I desire to offer an amendment.

The SPEAKER. The gentleman from Indian has moved the previous question. If the previous question is ordered an amendment would not be in order. If the previous question should be voted down an amendment would be in order.



Mr. MICHENER. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. Will the gentleman from Indiana yield to permit me to offer an amendment?

Mr. GREENWOOD. No; I do not feel justified to yield for an amendment. I know nothing about the amendment. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, Shall the previous question be ordered?

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### WASHINGTON AIRPORT

Mr. WILCOX. Mr. Speaker, by direction of the Committee on Military Affairs I ask unanimous consent for the immediate consideration of the bill (H. R. 7935) to promote air commerce by providing for the enlargement of Washington Airport.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TABER. Mr. Speaker, will the gentleman explain the bill?

Mr. WILCOX. Mr. Speaker, I may say to the gentleman from New York and to the Members of the House that the question of eliminating certain hazards at the Washington Airport was presented to the Committee on Military Affairs by reason of the fact that Military Road, owned by the War Department, traverses the main runway of the present airport. A bill was filed by the gentleman from Kentucky [Mr. MAY], acting chairman of the Committee on Military Affairs. The committee has reported the bill with a suggested amendment, which is equivalent to a substitute bill.

The substitute which will be offered provides simply that Military Road may be leased to the airport corporation for a period of 25 years for a lump sum of \$25,000; that the money to be acquired for the lease will be used to construct a substitute highway for the use of the general public. The committee believes that this removes the principal hazard at the present airport. There is no effort made through this bill to solve the question of whether the Federal Government shall own the airport for Washington, or whether a new airport shall be constructed at Camp Springs or some other place, nor does it attempt to solve the many complicated and perplexing questions involved in determining a permanent policy. This bill simply attempts to remove the principal hazard at the present airport; and I understand from a discussion with interested parties that the principle of the proposed substitute meets all of the objections of the people of Arlington County to the closing of the present road.

Mr. NICHOLS. Mr. Speaker, reserving the right to object, did the gentleman see in the Post this morning the account of an agreement having been reached between the board of Arlington County and representatives of the airport company whereby it was agreed that the company would pay \$25,000 for the construction of an alternate road after Military Road was closed, but went further, the agreement being based upon lease of the lagoon in the boundary channel to the present operators of the Washington-Hoover Airport, to be filled in at their expense?

Mr. WILCOX. This bill proposes a lease by the Department of Agriculture for that part of the property now operated as an experiment station. The Military Affairs Committee, I may say to the gentleman, has no jurisdiction over any part of this subject matter except Military Road. That is the only part of it that we could deal with in this bill, and we have not attempted to solve the problem outside of that one phase. I understand that the Arlington County residents are entirely agreeable to the closing of Military Road and turning it over to the airport corporation provided a \$25,000 road is built as a substitute highway for the residents of Arlington County.

Mr. NICHOLS. The bill the gentleman offers only proposes to close Military Road?

Mr. WILCOX. That is right.

Mr. NICHOLS. It does not attempt to deal with the experimental farm or any portion of that, nor the lagoon?

Mr. WILCOX. It does attempt to deal with that portion operated by the Department of Agriculture for an experimental station, to this extent only: It authorizes the Secretary of Agriculture to negotiate a lease upon such terms as he may be able to agree upon.

Mr. NICHOLS. Is that included in the bill?

Mr. WILCOX. That is included in the bill.

Mr. MAVERICK. The lagoon is left out altogether.

Mr. BLAND. Does the gentleman from Virginia [Mr. SMITH] know this bill is coming up for consideration at this time?

Mr. WILCOX. Yes. I discussed it with Mr. SMITH not 10 minutes ago.

Mr. RANDOLPH. Will the gentleman yield?

Mr. WILCOX. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. The problem of safety at the present Washington Airport, of course, is one that interests the Members of the House. I want to pay a tribute to the Members of the Military Affairs Committee who have for the first time brought before the House something that we can act upon, and something which will go at least a part of the way toward making the present airport safe for all those who use it.

Mr. WILCOX. I thank the gentleman, and I may say in that connection that Military Road traverses the main runway of the airport. Up to this time there has not been a tragedy over there, but tragedy has been narrowly averted on several occasions because the traveling public in their vehicles go straight across this runway. Just a few days ago an accident was narrowly averted when one of the planes in landing scraped the top of a bus that was loaded with passengers. Our idea is to close that road and remove what we think is the principal hazard to the safety of the traveling public.

Mr. TABER. And whatever expense there is will be paid by the Washington Airport Corporation?

Mr. WILCOX. Yes. The Washington Airport Corporation is to pay \$25,000.

Mr. BROOKS. I would like to ask the gentleman whether or not this bill requires leasing by the Department of Agriculture?

Mr. WILCOX. It authorizes the Secretary of Agriculture to negotiate a lease of 53 acres of the land now used for an experimental farm upon such terms and conditions as he may work out. If the Secretary of Agriculture and the corporation do not agree upon terms and conditions there would, of course, be no lease of this part of the lands.

Mr. BROOKS. Does it permit the leasing of the entire Department of Agriculture experimental farm?

Mr. WILCOX. Only 53 acres.

Mr. MAVERICK. Mr. Speaker, may I add to what the gentleman from West Virginia has stated that we worked on this matter a long time. The solution was offered by the gentleman from Florida [Mr. WILCOX] and everyone thinks it is a good settlement. It does not cost the Government a cent.

Mr. THOMASON of Texas. May I ask if the bill in its present language still provides that the Government does not give up its fee-simple title to the road?

Mr. WILCOX. It provides for a 25-year lease only.

The SPEAKER. Is there objection to the request of the gentleman from Florida [Mr. WILCOX] for the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc., That (a) the Secretary of War is authorized and directed to convey by quitclaim deed to the National Airport Corporation, a corporation organized under the laws of the State of Delaware, the lands forming that part of Military Road, Fort*



Myer Military Reservation, Arlington County, Va., described as follows: Beginning at a point on the easterly line of the Arlington Reservation north 16° west 75.29 feet from the stone marking the southeast corner of said reservation; thence with said easterly line of said reservation north 16°0' west 71.73 feet; thence north 85°35' east 263.25 feet; thence by a curve to the right of 608.7 feet radius 336.42 feet; thence south 62°45' east 1,253.11 feet; thence by a curve to the left of 406.7 feet radius 454.27 feet; thence north 53°15' east 32.09 feet to a point; thence south 31°27' east 8.96 feet to the northwest corner of the right-of-way of the Virginia approach to the Highway Bridge; thence with the westerly line of said right-of-way south 20°55' west 110.91 feet; thence south 66°15' west 45.85 feet; thence by a curve to the right of 476.7 feet radius 424.3 feet; thence north 62°45' west 1,253.11 feet; thence by a curve to the left of 538.7 feet radius, 297.73 feet; thence south 85°35' west 247.63 feet to the point of beginning. The above-described parcel of land comprises a strip of land 70 feet in width, the center line of said 70-foot strip being coincident with the center line of the highway from the Highway Bridge to Arlington National Cemetery, and contains 3.7165 acres of land, more or less.

(b) The Secretary of War is further authorized and directed to lease to such corporation for airport purposes, under such terms and conditions as he may prescribe, for a period not exceeding 50 years, and only for such period as the adjoining land shall be used for an airport, at a rental of \$1 per annum, that part of such Military Road lying east of the Washington & Southern freight branch of the Pennsylvania Railroad and which is not included in the conveyance provided for in paragraph (a) of this section.

(c) The Secretary of War shall not make such conveyance or lease until he shall have received from such corporation, to be paid to the Board of Commissioners, Arlington County, Va., such sum as may be necessary, but not to exceed \$25,000, for the construction of a substitute road.

Sec. 2. The Secretary of Agriculture is authorized and directed to lease to such corporation for airport purposes, under such terms and conditions as he may prescribe for a period not exceeding 50 years, and only for such period as the adjoining land shall be used for an airport, at a rental of \$1 per annum, that part of the lands (originally known as the Arlington Plantation and commonly known as the Arlington Experimental Farm) lying east of the Washington & Southern freight branch of the Pennsylvania Railroad containing 53 acres more or less.

Sec. 3. The Secretary of War is authorized and directed to lease to such corporation for airport purposes, under such terms and conditions as he may prescribe, for a period not exceeding 50 years and only for such period as the adjoining land shall be used for an airport, at a rental of \$1 per annum, the portion of the bed of the Potomac River adjoining the Washington Airport, commonly known as the lagoon area of the Boundary Channel, better described as the area lying south and east of the following-described arc: Beginning at a point which is the center of the west face of the south abutment of the Mount Vernon Memorial Highway Bridge over Boundary Channel at its mouth, thence upstream in a straight line south 54°35' west (true meridian) a distance of 200 feet, thence in a series of curves to the right (upstream) the chords of which bear south 70°55' west 150 feet; north 81°35' west 200 feet; north 62°30' west 300 feet; north 51°35' west 400 feet; and north 38°10' west 250 feet to intersect the approximate high-water shore line on the west bank of the said Boundary Channel. Such lease shall contain express conditions that the corporation if deemed necessary by the Secretary of War, will widen and deepen the Boundary Channel, and will construct a retaining wall along the above-described arc, without expense to the United States, under the supervision of the Secretary of War and in accordance with such terms and conditions as he may prescribe.

#### With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the Secretary of War is authorized and directed to lease to the National Airport Corporation, a corporation organized under the laws of the State of Delaware for airport purposes, under such terms and conditions as he may prescribe, for a period not exceeding 25 years, and only for such period as the same shall be used for airport purposes, at a rental of \$25,000, payable in advance, the lands forming that part of Military Road, Fort Myer Military Reservation, Arlington County, Va., described as follows: Beginning at a point on the easterly line of the Arlington Reservation north 16° west 75.29 feet from the stone marking the southeast corner of said reservation; thence with said easterly line of said reservation north 16°0' west 71.73 feet; thence north 85°35' east 263.25 feet; thence by a curve to the right of 608.7 feet radius 336.42 feet; thence south 62°45' east 1,253.11 feet; thence by a curve to the left of 406.7 feet radius 454.27 feet; thence north 53°15' east 32.09 feet to a point; thence south 31°27' east 8.96 feet to the northwest corner of the right-of-way of the Virginia approach to the Highway Bridge; thence with the westerly line of said right-of-way south 20°55' west 110.91 feet; thence south 66°15' west 45.85 feet; thence by a curve to the right of 476.7 feet radius 424.3 feet; thence north 62°45' west 1,253.11 feet; thence by a curve to the left of 538.7 feet radius, 297.73 feet; thence south 85°35' west 247.63 feet to the point of beginning. The above-described parcel of land comprises a strip of land 70 feet in width, the center line of said 70-foot strip being coincident with the center line of the highway from the Highway Bridge to Arlington National Cemetery, and contains 3.7165 acres of land, more or less.

"Sec. 2. There is hereby authorized to be appropriated such sum as may be necessary, but not to exceed \$25,000, to be paid to the Board of Commissioners of Arlington County, Va., for the construction of a public road as a substitute for that portion of Military Road authorized to be leased to the National Airport Corporation.

"Sec. 3. The Secretary of Agriculture is authorized and directed to lease to such corporation for airport purposes, under such terms and conditions as he may prescribe, for a period not exceeding 25 years, and only for such period as the adjoining lands shall be used for an airport, at such annual rental as the Secretary of Agriculture and the said National Airport Corporation shall agree upon, that part of the lands (originally known as the Arlington Plantation and commonly known as the Arlington Experimental Farm) lying east of the Washington & Southern freight branch of the Pennsylvania Railroad, containing 53 acres, more or less."

Mr. NICHOLS. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: Page 8, after line 12, insert a new section, as follows:

"Sec. 4. The Secretary of War is authorized and directed to lease to such corporation for airport purposes, under such terms and conditions as he may prescribe, for a period not exceeding 50 years and only for such period as the adjoining land shall be used for an airport, at a rental of \$1 per annum, the portion of the bed of the Potomac River adjoining the Washington Airport, commonly known as the lagoon area of the Boundary Channel, better described as the area lying south and east of the following-described arc: Beginning at a point which is the center of the west face of the south abutment of the Mount Vernon Memorial Highway Bridge over Boundary Channel at its mouth, thence upstream in a straight line south 54°35' west (true meridian) a distance of 200 feet, thence in a series of curves to the right (upstream) the chords of which bear south 70°55' west 150 feet; north 81°35' west 200 feet; north 62°30' west 300 feet; north 51°35' west 400 feet; and north 38°10' west 250 feet to intersect the approximate high-water shore line on the west bank of the said Boundary Channel. Such lease shall contain express conditions that the corporation, if deemed necessary by the Secretary of War, will widen and deepen the Boundary Channel, and will construct a retaining wall along the above-described arc, without expense to the United States, under the supervision of the Secretary of War and in accordance with such terms and conditions as he may prescribe."

Mr. COLE of Maryland. Mr. Speaker, I make a point of order against the amendment just offered by the gentleman from Oklahoma [Mr. NICHOLS], that it is not germane to the bill. As I understood the gentleman from Florida, the bill deals with one isolated subject, while the amendment seems to go into the permanent establishment of an airport and into leasing a part of the Potomac River, as well as giving certain authority to the Secretary of War, which the bill, as explained by the gentleman from Florida, does not contemplate.

Mr. NICHOLS. Mr. Speaker, the amendment which has just been read is a part of the original bill as introduced and considered by the Military Affairs Committee, and comprises section 3 of that bill. It provides that the Washington Airport Corporation, or whoever the owners of the Washington Hoover Airport are, may take a lease on the lagoon area in the Washington Hoover Field.

There may be just one question. I presume that when the bill was drawn the framers of the bill found that the title to the lagoon was in the War Department.

The SPEAKER. The Chair is ready to rule.

The gentleman from Oklahoma [Mr. NICHOLS] offers an amendment which has been reported by the Clerk and is set forth in the RECORD in full, to which the gentleman from Maryland [Mr. COLE] interposed the point of order that it is not germane to the committee amendment or to the bill.

The attention of the Chair has been called to the fact that originally this was a bill "To promote air commerce by providing for the enlargement of Washington Airport" and, as reported by the Committee on Military Affairs, among other things contained the identical language and provision now offered by the gentleman from Oklahoma [Mr. NICHOLS] as an amendment to the committee amendment.

The Chair is clearly of the opinion from reading the text of the bill, as well as the committee amendment which relates to the same subject, that the amendment offered by the gentleman from Oklahoma [Mr. NICHOLS] is germane, and, therefore, overrules the point of order.

Mr. NICHOLS. Mr. Speaker, time is very limited, but here is what I propose to do by this amendment.



In the first place, may I say everyone is agreed that the present airport for the District of Columbia is inadequate and dangerous. All this bill was originally introduced for was to give the corporation which now operates the airport authority to do three things, all of them tending only to make this airport as safe as possible, not for the purpose, if you please, of making this a permanent airport for the District of Columbia but for the purpose of meeting the practical situation which faces us. This airport is the third busiest airport in the United States. Only Newark, N. J., and Philadelphia exceed it in the amount of traffic which flows in and out of the airport. It was testified before the Committee on Military Affairs by Mr. Johnson, Assistant Secretary of Commerce, by Eddie Rickenbacker, whose authority certainly has been recognized, and by other witnesses, that these three things were necessary to be done in order to make this a safe airport. Keep in mind that this does not cost the Government or the District of Columbia one red cent.

All my amendment does beyond what is provided for in the bill is permit the airport corporation to take a lease on that little lagoon which runs in back of the blimp hangar, a little neck of water running in there, which, incidentally, the Department of Health has declared insanitary. My amendment permits this airport company, with its own money and at its own expense, to fill this lagoon, thus through the filling of the lagoon and the use of the experimental farm transforming the 4,000-foot runway, which now runs in this direction, into a 5,000-foot runway in this direction, and there will also be a 3,100-foot runway in this direction. This change makes the airport safe and adequate for good-weather landings and take-offs.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from New York.

Mr. ANDREWS. I am under the impression that the lagoon adds a comparatively short distance which would be available for a new directional runway. Is the gentleman informed on this?

Mr. NICHOLS. Yes. I wish I had known this question was coming up. In this month's issue of Life magazine there is a full-page cut showing the layout of these runways as they will be if the lagoon is filled, if 53 acres of the experimental farm are taken over, and if Military Road is closed. If there is one question I have been close to since I have been in this House, it is the question of the airport for the District of Columbia. Every day the airport stays in the condition in which it is now we are flirting with dire disaster, we are flirting with the fact that on almost every take-off or landing there may be an airplane crash which will cost one or many lives.

This thing cannot cost the Government a cent. It is simply meeting an emergency which confronts us now. We are charged with the duty of taking care of this matter. If you have any confidence in my judgment, believe me when I tell you, having nursed this thing for 3 years, that this is an adequate solution. The only group which objects to the lagoon's being filled, and I say this with all respect, is the National Parks and Planning Commission, which does not want the lagoon filled because this small area is a place where people can anchor little boats.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from New York.

Mr. ANDREWS. Would it not be true that if the lagoon were filled and used as a portion of the runway you would have the same situation on the Memorial Highway that you have on the present roadway?

Mr. NICHOLS. No.

Mr. ANDREWS. You would have a take-off going up over the Memorial Highway.

[Here the gavel fell.]

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes in order to answer the question of the gentleman from New York.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. NICHOLS. The gentleman from New York raises the proposition that if the lagoon were filled the Memorial Highway would form the same sort of hazard Military Road now forms. Of course, this is not correct, for the reason that Military Road runs squarely through the present airport and cuts it in two. Say my hand is the airport, then Military Road runs through the middle of it. Memorial Highway runs around it, and runs around it anyway. It is still there. This would not create the same hazard at all. The only difference it could possibly make would be that if the lagoon were filled the end of the airport which was formerly the lagoon would be a little closer to a portion of the Memorial Highway than it is now, but it would not be closer to the Memorial Highway than other portions of the airport are now.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Louisiana.

Mr. BROOKS. Does not the gentleman recall other witnesses testifying that even with the lagoon filled the airport is entirely unsafe for navigation by airplanes?

Mr. NICHOLS. I recall the testimony of many witnesses. I do not say that by doing this we shall have a perfect airport. I recall Eddie Rickenbacker's testimony that there was no such airport in the United States as a perfect airport. I also recall his stating, when he was asked whether if this were done in his opinion this would be a good airport, that it would be one of the best in the United States.

[Here the gavel fell.]

Mr. WILCOX. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, the amendment offered by the gentleman from Oklahoma is eloquent evidence of the many difficulties which are involved in this airport problem. There are all sorts of questions involved. Many people think the present airport ought to be abandoned and one established at Camp Springs. Others believe one should be put at Gravelly Point. Others believe this present airport can be properly developed. All of these are highly controversial questions. This is exactly the reason the committee in reporting this bill undertook to limit it to one specific proposition, that is, the elimination of the hazard in the middle of the runway.

We had all these questions before us. There is all sorts of conflicting testimony as to whether or not this little lagoon should be filled or should not be filled. I do not know whether the War Department has title to the land or not. I do know that the National Park Service objects to the filling of the lagoon.

Because of these objections and because of all these complicated questions, the Committee on Military Affairs said, "We will settle the one question that we have jurisdiction over, which is the closing of Military Road, and we will leave all of these other questions to be dealt with at a later date when there is more time for Congress to consider them and when some appropriate committee can go into all of these matters." In the meantime, this session of Congress is about to come to a close and this hazard has not been removed. All we are seeking to do before the close of this session is to close that road in the middle of the runway and remove that hazard. Then, next year we can settle all of these other questions about how the airport should be enlarged or whether there should be a new airport, and all of the other questions that are involved and have been raised.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. WILCOX. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. And in bringing this bill here you have done what the private corporation and the authorities of Arlington County are agreed upon.

Mr. NICHOLS. Oh, that is not correct.

Mr. WILCOX. Just a moment. I beg the gentleman's pardon. I understand the airport corporation and Arlington County have agreed that if the airport corporation will contribute \$25,000 for the construction of a new highway the



county is agreeable to the closing of the present highway. There is some question between them as to whether it should be by lease or deed, but the property belongs to the Federal Government and Arlington County and the airport corporation have no right to tell the Congress whether it shall make a lease or deed. We are settling that question in this bill.

Now, Mr. Speaker, I ask that this amendment be voted down for the reason, as I have already pointed out, when you get into these controversial questions you open the matter for all these other questions, and you go into all sorts of things. We are simply trying to settle one thing, and that is whether Military Road, which goes through the runway of the airport, shall be closed.

Mr. COLE of Maryland. Mr. Speaker, will the gentleman yield?

Mr. WILCOX. I yield.

Mr. COLE of Maryland. In view of what the gentleman has said, I think if the title of the bill as reported had been amended, a point of order against the pending amendment would have been sustained.

Mr. WILCOX. The gentleman's point would have been sustained.

The SPEAKER. The question is on the amendment to the committee amendment offered by the gentleman from Oklahoma [Mr. NICHOLS].

The question was taken; and on a division (demanded by Mr. NICHOLS) there were—ayes 9, noes 78.

So the amendment to the committee amendment was rejected.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. MAVERICK and Mr. LUECKE and Mr. MICHENER of Michigan asked and were given permission to extend their own remarks in the RECORD.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. BURDICK. Mr. Speaker, I ask unanimous consent that on next Thursday, after the legislative business of the House has been disposed of, and following any special orders heretofore entered, I may address the House for 15 minutes on the subject of farm legislation.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota.

There was no objection.

The SPEAKER. Under the previous order of the House, the gentleman from Texas [Mr. JONES] is recognized for 1 hour.

#### THE FARM SITUATION

Mr. JONES. Mr. Speaker, I have rather hurriedly collected some information and I may have to present it in a more or less broken way, but I ask to be permitted to proceed for a while before being interrupted. It is my desire at this time to place in the RECORD what the Congress has done at this session in behalf of agriculture, and to make some comment upon the picture as it exists today.

#### AMERICA'S LARGEST BUSINESS

Agriculture is the biggest business in America. There are more than 200 different agricultural commodities. The annual production is valued at about nine and a half billion dollars. The value of the lands upon which these products are produced is around \$40,000,000,000. There is no business in this country comparable to it in value, volume, or number of people affected.

Together with a number of others, I have taken part in the long, heartbreaking struggle for recognition of equal rights for agriculture. That problem is as old as the tariff question in this country, more than 75 years old, and some phases of it are as old as history.

If there had been no special favoritism in legislation, if there had been no tariff laws—and I am not speaking of the merits of these things—if there had been no trusts and no

monopolies and no unfair trade practices, we probably would have needed little, if any, agricultural legislation. But for more than a half century special groups have descended on our State and National capitals and have demanded and secured special favoritism in legislation, which has caused a lopsided condition to develop.

This disadvantage runs more or less through all the farm commodities, although it runs much more severely into the great surplus commodities. The farmers produce all these different commodities I mention. Take the matter of wheat. Wheat varies from the winter wheat of the Southwest and the spring wheat of the Northwest to the so-called special wheat that is grown on the Pacific coast. There are more than 60 different types and varieties of wheat grown by farmers 2,000 miles apart. That is just one of the commodities. Others might be gone into in respect to different types. Cotton has a great many different types, grades, and lengths of staple.

#### LEGISLATION

To secure equal operation of the laws of this country has been one of the purposes of the drive for legislation in respect to agriculture. That legislation, if it is to be had in a sound and constructive way, cannot be obtained overnight. You can grow a morning glory overnight, but it withers in the afternoon. If we are to have sound economy in this country, we really need to have a planting of something in the nature of oak trees rather than morning glories.

#### INDUSTRY INTERESTED

It is just as important to the industrial sections of this country to have a fair farm program as it is to the farming sections. It took us a long time to convince the American people of that and they really had to be finally convinced by being met face to face in the middle of the road with the collapse of the whole system in the country, but they believe it now and understand it.

In order to secure legislation, however, we have to be fair to the industrial groups. We have to be fair to all groups, and they have to be fair to us. If one would know the effects of the farm program one should go into building up of business in the sections where the farm program has applied. Then it can be followed through to the great industrial centers in the stimulus that has come to industry through increased purchasing power of the farm and ranch.

I mention these things as a sort of background to show that there is a philosophy behind the farm program, a real philosophy. The question of equality was written into the Declaration of Independence before we had a Constitution in this country. I believe that it is the most fundamental of all of the principles that were written into the original laws of our land.

You cannot in every wind-blown thing that comes up rush through half-baked legislation without doing injury to the long-range situation rather than helping it. You cannot take care of the many-sided phases of the agricultural problem by one piece of legislation. It is too many-sided for that.

#### THE RECORD OF THIS CONGRESS

I have heard the statement made by some people, and even echoed by some Members of Congress, that there has been nothing done in the way of farm legislation at this session. I do not fall out with them for that. There are so many things going on here that it is hard to keep up with anything except that of which you are making a special study.

To show how utterly fallacious this is, I submit herewith a list of the more important farm bills which have been acted upon by the House at this session:

LEGISLATION HANDLED BY HOUSE AGRICULTURAL COMMITTEE, SEVENTY-FIFTH CONGRESS, FIRST SESSION

H. R. 3687: Amend Soil Conservation Act (postpones period 4 years); passed House April 5; became law June 28, 1937.

H. R. 5722: Agricultural Marketing Act, 1937; passed House April 19; became law June 3.

H. R. 1645: Agricultural Reserve Note Act; reported to House February 19.



H. R. 7562: Farm tenant; passed House June 29; became law July 22.

H. R. 6763: Interest reduction; passed House finally July 13; Senate July 22; became law July 22.

H. R. 6762: Amend Perishable Agricultural Commodities Act; passed House June 21.

H. R. 7667: Sugar Act of 1937; passed House August 6.

H. R. 7697: Great Plains Drought Act; reported to House August 6.

H. R. 7909: Farm Credit Act of 1937; passed House August 2.

H. R. 1545: Crop loans for 1937; passed House January 25; became law January 29.

S. 1500: Cotton classification; passed House April 5; became law April 13.

S. 1397: Crop insurance; reported to House August 10.

H. R. 4728: Farm forestry (S. 1504); passed House May 5; became law May 18.

S. J. Res. 75: Provision to destroy grasshoppers (\$2,000,000); passed House March 15; became law April 6.

S. 2439: Continue Federal Surplus Commodities Corporation; passed House June 21; became law June 28.

This does not include the entire list, but it shows some of them, and I shall mention a few. One of them is the extension of the present Soil Conservation Act for a period of 4 years. I do not know what others may think, but in my judgment the present law is the best law we have ever had for agriculture. I believe it needs some supplemental legislation. Some additional provisions are vitally needed in connection with the price structure, but it formulates a sort of offset to the tariff system, and it does a tremendously important task of conserving our natural resources.

#### THE MARKETING ACT

Then we passed the Agricultural Marketing Act. We took an entire year to pass that before. Gentlemen will remember the controversy that arose about it. It affects more of American agriculture than either of the general bills now pending before the committee. That may be a surprise to some of you, but it is a correct statement.

I want to talk to you a minute in that connection about the value of the different agricultural commodities. The greatest value over a 10-year period, and that gets a pretty good test of values, in the way of cash income received from farm products is the dairy business, amounting to \$1,350,000,000.

They were vitally interested in that piece of legislation. Then, too, fruits, nuts, vegetables, trucking, and many other farm commodities are aided by these marketing provisions. It is not a simple matter to work out a complicated piece of legislation and keep it sound and in workable form.

The second in cash income value is cotton lint and seed, \$931,000,000. Third, hogs, \$915,000,000. The fourth, cattle and calves, \$825,000,000. Fifth, poultry and eggs, \$677,000,000. Sixth, wheat, \$492,000,000.

#### ACTUAL VALUE

That does not altogether present an exact picture of the six leading commodities. I am going to give it to you on the basis of value. Some of these commodities are utilized through livestock, and therefore the cash income does not show the exact figure.

Taking it from the standpoint of value—that is, the number of bushels or units multiplied by the value—first, dairy products again, \$1,796,000,000. Corn, \$1,556,000,000. Hogs, \$1,107,000,000. Cottonseed and lint, \$979,000,000. Hay, \$870,000,000. Sixth, cattle and calves, \$868,000,000. Seventh, wheat, \$638,000,000.

You may ask any of the farm groups that are interested in dairying, and they will give you some slant on the real value of farm production. If you include both poultry and eggs, poultry and eggs come pretty high in the total value of the various farm commodities. So establishing these marketing agreements is a very complicated process. This is a very important thing.

#### FARM TENANT ACT

Another one of the bills that we passed was the Farm Tenant Act. That was the beginning of what we hope will be a successful program. It is more or less of an experiment. We all agreed on the objective, but there was very great division of opinion as to the method. To iron these out was quite a task. That bill was passed.

#### INTEREST RATES

Then we passed a provision for reduction of interest rates on farm mortgages. I think that was of some consequence. Agriculture is interested in a just price for certain commodities. It is also interested in taking care of every phase of all commodities on a fair basis.

Then, as you all know, we passed the Sugar Act, in which many beet and cane farmers are interested.

The committee has reported the Great Plains Drought Act.

#### FARM CREDIT ADMINISTRATION

We passed the Farm Credit Act of 1937. That is a bill of about 40 pages that contains many provisions. It also extends the time of payment of commissioners' loans.

The Farm Credit Administration takes care of the five great wings of credit for agriculture, the first institution in the history of the whole world that has formed a complete and satisfactory credit structure for the products of agriculture of every kind, including the land. It is a tremendously important thing. To go over these technical features has taken time.

#### CROP LOANS

Then we passed the Crop Loan Act for 1937. We passed the Cotton Classification Act. The crop-insurance bill has been reported. The farm-forestry bill became a law. We passed a provision to destroy grasshoppers. Then we passed a bill continuing the Federal Surplus Commodities Corporation, which provides for the use of funds for disposal of surpluses. You are all familiar with its operations, and I will not go into detail.

#### COMMODITY LOANS

Then this Congress extended the life of the Commodities Credit Corporation for 2 years, which enables loans to be made in emergencies on different commodities.

Those are some of the things that this committee has reported at this session; and I say without fear of successful contradiction that this committee has reported out more important farm legislation at this session of Congress than has ever been reported and acted upon in any other session in the history of the United States Government. [Applause.]

You may question the wisdom of our action or the action of Congress in ratifying it. You may question whether we devoted our time to the important things, but anyone who says that the Committee on Agriculture has not been at work simply does not know what he is talking about. I will submit that to anybody who keeps up with the situation.

#### ADMINISTRATION RECORD

This administration has done much for agriculture. We no longer have 5-cent cotton, 31-cent wheat, and 18-cent corn. I have, and would like to put into the RECORD here, the December 1932 prices for certain farm commodities and the July 15 prices.

*Farm prices of basic agricultural commodities*

Commodity	December 1932	July 15, 1937
Wheat.....per bushel.....	\$0.31	\$1.12
Rye.....do.....	.21	.81
Flaxseed.....do.....	.82	1.85
Barley.....do.....	.19	.64
Cotton.....per pound.....	.05	.12
Corn.....per bushel.....	.18	1.18
Hogs.....per hundred weight.....	2.73	10.70
Beef cattle.....do.....	3.41	7.46
Rough rice.....per bushel.....	.40	.80
Peanuts.....per pound.....	.01	.04
Wholesale milk.....per hundred weight.....	1.26	1.81
Butterfat.....per pound.....	.21	.31
Butter.....do.....	.21	.29



Wheat was 31 cents a bushel. These are farm prices. It is now \$1.12 a bushel, or was on July 15.

Cotton was 5.4 cents per pound. On July 15 it was 12.4 cents per pound. It is now a little above 10 cents per pound, an unsatisfactory price but still twice as high as in the dark days of 1932.

Corn was 18 cents a bushel. December corn is about 66 and a fraction this morning.

So, whatever else may be said, this administration has done a wonderful job for agriculture. We have the present Soil Conservation Act, which is in full force and effect. We have the Commodity Credit Corporation, with ample funds to make essential loans.

I regard the general farm legislation now pending as the most important piece of legislation that we shall adopt.

It rather seems to me that in working out this long-range program for agriculture we ought to work it out carefully and on a sound basis. That just seems like A B C to me.

#### COMMITTEE WORK

Some question has been raised about adjournment. I have been working daily, and my committee has been working daily on this general farm program trying to whip it into shape. I expect to continue to do so; so it makes little difference to me personally whether we adjourn next week, or next month, whether we have a recess, or whether a special session is called. I expect to continue this work because I regard it as important enough to require that action on my part; but in all frankness, if we are to do the job right it is going to take some time. I cannot see any good reason for holding the other Members here unless they want to stay. That is my personal judgment. As I say, it makes little difference to me. I am perfectly willing for you to stay or to go, but I do say this: That I feel, and I believe that my committee feels, that in working out the long-range program, since we have the stopgap so the situation can be handled, the long-range legislation should be carefully wrought out. Much is at stake.

#### FARM BUREAU BILL

We had placed on our desks by a certain farm group a bill that has some good features. I did not intend to mention it, but I understand that a discharge petition has been placed on the Clerk's desk and you have been asked for signatures on this bill. It is all right with me if you want to discharge the committee with reference to that bill. It has some good features. But it has what many of the committee members feel are unworkable features. Some members of the committee do not feel that it provides a fair distribution of payments to farmers in the different sections. But waiving that question, it provides certain additional payments to be made and then formulates what is called a control system to protect the United States Treasury in these payments and in mandatory loans. I want you to understand what that control feature is.

It provides that there shall be an allotment of marketing to the producers of each of the five major listed commodities. This allotment is made only when there is a normal carry-over plus a certain percentage of excess. First, there are certain payments, then a loan; then, when the surplus reaches a certain stage, the bill provides what is called a surplus or marketing control. I want you to follow me in this. It is control not so much of production as of marketing—it undertakes to reach the same end. Each farmer is given his market allotment, but is permitted to sell whatever he wants above that; but anything he sells above his marketing allotment is classed as an unfair trade practice, and it is the duty of the United States attorneys to file suit to collect substantially \$40 a bale on excess cotton and approximately 50 cents a bushel on wheat and 40 cents a bushel on corn. It is a civil suit.

#### CONTROL

I do not know about its application in the various sections of the country, but I do know that there are about 2,000,000 cotton farmers in the South who produce an average of five bales of cotton apiece. About 60 percent of them are tenants

in the old South, according to figures, and about half—between 40 and 50 percent at least—are colored people. I ask, as a practical proposition of anyone in this group who is familiar with the situation, if it would not cause a million lawsuits in the cotton South? It would take an army of lawyers to handle the lawsuits. That would seem inevitable.

The South is probably the most unfortunate section in that regard; and I say it with regret. After the War between the States the South was without money. It had to be financed from outside. It has never fully recovered from that situation. Even the landlord whom we sometimes criticize was laboring under the same handicap; he had to get his money elsewhere to finance the tenant, whether he was white or colored. I do not know of anybody from the South who thinks you can sue one of these little fellows and get satisfaction on the judgment.

#### ILLUSTRATION

To make the illustration a little more specific let us take the case of a man who has an allotment of five bales, which is the average crop; but the sun shines and the rains fall, as they have this year, and the season is good, and he makes seven bales; his children need shoes and his wife has a faded gingham dress. He sells those two extra bales of cotton, which he has a perfect right to do under that bill. It immediately becomes the duty of the United States attorney to sue him for between \$80 and \$100. They go into court. Maybe they cannot get judgment. Maybe if they do they cannot collect it. I do not know, but I do not believe they can. Do you?

They talk about control. That is all the control there is in the bill about which there has been so much propaganda spread over the country. I have not said anything about it up until this hour because I love the cause so much that I am willing to take a clubbing over the head, and I have taken a good deal of it.

Mr. LUTHER A. JOHNSON. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. LUTHER A. JOHNSON. Regarding the bill the gentleman is now discussing, I heard figures given by the chairman of the committee as to the various commodities affected. I believe the dairy industry was first and cotton was second in volume.

I did not catch just where corn appeared in the relative values throughout the country. I understood that under this bill corn received practically half of all the benefits while the other commodities received the remaining half. Is that true?

Mr. JONES. I did not intend to go into that.

Mr. LUTHER A. JOHNSON. I would like to ask the gentleman to go into that.

Mr. JONES. I made the request and I have the information from the Secretary of Agriculture.

Mr. LUTHER A. JOHNSON. I have heard that charge made.

Mr. JONES. Those matters could be corrected, of course. I made the request of the Department of Agriculture, and here is a letter over the signature of the Secretary which gives the amount of payments that would be required if all five commodities were 15 percent below parity, what would be necessary when they are 20 percent below parity, and what would be the payment if they are 30 percent below parity.

In the case of cotton, if 15 percent below parity, the amount would be \$156,000,000; wheat, \$117,000,000; field corn, \$296,000,000. Then rice and the different forms of tobacco would be much less.

Mr. PATMAN. Will the gentleman yield?

Mr. JONES. I yield to the gentleman from Texas.

Mr. PATMAN. How much was field corn?

Mr. JONES. Two hundred and ninety-six million dollars.

Mr. PATMAN. Cotton?

Mr. JONES. One hundred and fifty-six million dollars.

Mr. PATMAN. Wheat?



Mr. JONES. One hundred and seventeen million dollars. Those are the principal commodities. If it went 30 percent below parity, the payment on cotton would be \$312,000,000; wheat, \$233,000,000; and field corn, \$591,000,000.

Of course, if the price equaled parity there would be no payments.

Mr. BOILEAU. Will the gentleman yield?

Mr. JONES. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. The gentleman referred to the figures on field corn. I would like to remind him of the fact that in the dairy sections of the country a good deal of the corn that is planted is not matured, but is cut up and siloed before maturing. Is that corn included in that figure?

Mr. JONES. I rather think not, although I would not be positive.

Mr. BOILEAU. I do not believe it is either, and although the Farm Bureau is asking us to pass this bill, so far as I have been able to investigate and secure information, I have not yet been able to find out, and the men who are proposing this legislation do not seem to agree on the point as to whether or not corn other than corn that is matured for grain is provided for under the bill. Every time I have asked questions of these men who advocate the bill, requesting them to state their position, they do not give us a very satisfactory answer. That is just one more reason why in the interest of the dairy country particularly this bill should be given further thought and consideration, because the proponents of the measure do not know in which direction they are going.

Mr. JONES. May I say in that connection, there are some very fine features to that bill? With the help of the members of the committee, I have undertaken to draft a bill which utilizes and gives full credit to what we regard as the meritorious features of that measure. I have not discussed all of them, but we took out those that we thought were impractical and added two or three new features.

I do not believe a single Member will sign the petition that has been placed on the desk here if he will but read the bill.

Mr. LUCAS. Will the gentleman yield?

Mr. JONES. I yield to the gentleman from Illinois.

Mr. LUCAS. Is it not a fact that the bill which is now on the desk, as submitted by the Farm Bureau, applies only to the crops of 1938, 1939, and 1940?

Mr. JONES. I understand so.

Mr. LUCAS. In other words, if we pass the bill they are now asking us to pass, it would in no wise affect the corn crop or the cotton crop of 1937 and it would be necessary for the Congress to pass emergency legislation in order to meet this problem if there is a problem?

Mr. JONES. That is correct. Of course, all the production of this year has already been made or is in the process of making and cannot be stopped in any practical way. The only new crop that will go into the ground this year is winter wheat; and winter wheat, on account of world conditions, does not present an emergency situation. I think it could be very well handled in January.

Mr. WEARIN. Will the gentleman yield?

Mr. JONES. I yield to the gentleman from Iowa.

Mr. WEARIN. The gentleman has cited the amount that would be paid to the producers of the various products under the terms of the bill for which petition or motion to discharge has been filed.

Mr. JONES. Yes.

Mr. WEARIN. How would those payments, in the gentleman's opinion, compare with the annual value of the crops that he cited a few moments ago in connection with his remarks?

Mr. JONES. If you include all the corn that is fed on the various farms to livestock, it would be on the basis of value, but I claim that would not be fair for the reason in justifying payments to commodities as such—I am not talking about soil-conservation payments—the question must necessarily come in as to the load and the tariff which that commodity carries. [Applause.]

The main, basic reason for a farm bill with a provision for benefit payments is the fact in the case of certain great commodities the product is produced in a world market, carrying the load of the tariff, carrying a double burden. It carries the added cost of the machinery, equipment, and facilities that is occasioned by the tariff wall, and it carries the added burden of competing with foreign production that does not have such burdens. That is the reason I think the soil-conservation payments with their \$500,000,000 is not a subsidy for agriculture. It is a restoration, a restitution. [Applause.] It is restoring to the farmer what is taken away from him under the tariff system. When a man grows a bushel of wheat or a bale of cotton, harvesting the one under the hot July sun and picking the other under the blazing September sky, and carries them into the market in a free country, he has a right to sell them on a basis of equality with other commodities.

Then, too, an important item that is frequently overlooked is the cottonseed, which is definitely a part of the harvested crop and which has a value of about \$200,000,000 annually.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. JONES. I yield to the gentleman from Texas.

Mr. SUMNERS of Texas. Does the bill to which the gentleman referred in any way deal with the crop of 1937?

Mr. JONES. It does not.

Mr. SUMNERS of Texas. That is where the emergency at the moment is supposed to lie?

Mr. JONES. That is my understanding, and it is my belief from the conversation of those around us; and, of course, that is correct.

Mr. MASSINGALE. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield to the gentleman from Oklahoma.

Mr. MASSINGALE. The gentleman has inveighed heavily against a certain bill concerning which a discharge petition is on file on the Speaker's desk. I think the gentleman should be a little more clear in his statement and let the Members of the House know to which bill he refers.

Mr. JONES. I suggest the gentleman tell them.

Mr. MASSINGALE. I think I can tell them.

Mr. JONES. I do not mind stating, and I state this because the question has been asked and honesty compels me to answer. This is a bill submitted by the American Farm Bureau Federation.

I have worked with these men for years. I hope to work with them in the future. I know that they have rendered great service in the cause of agriculture. I had felt they would admit that I had endeavored to be of some service, and that the committee had.

I did not intend to mention this bill. The general attorney for the Farm Bureau Federation went down to the district which I have the honor to represent and held a big farmers' meeting in my home town, and then went to Waco and various other places in Texas. I said not a word. One of my friends wrote me about a criticism which had been leveled at me by this attorney at the Waco meeting. In replying to my friend's letter I stated that I regretted this attorney saw fit to criticize me but that I preferred to believe it was due to the enthusiasm of the moment rather than any desire to promote discord. I would not have gone into this measure at all at this time, preferring to present the general principles, but for the fact that the whip-and-spur method has been invoked by this organization. I had hoped they had retired from the use of this method and had thought they would do so. I do not think the matter was presented in exactly a correct way; that is, both sides of the picture were not presented down there. I thought I would say nothing because I have worked for 18 years for the cause of agriculture, and I have wanted above all things to keep agriculture sound in such a way that the 30 percent of our people who live on the farm could appeal to the people who live in the cities and to their representatives for a fair deal. I have tried to keep it on this basis. He does the cause of agriculture no service who lights the torch of intolerance. The whip-and-spur method is all right if it is necessary in an emergency situation, but it seems to me this



method is wrong when it is undertaken on a vast, far-reaching, and complicated piece of legislation which probably affects the economy of this country more vitally than any other legislation which will be presented at this session. [Applause.]

Mr. LUTHER A. JOHNSON and Mr. LUCAS rose.

Mr. JONES. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. Is the lawyer who criticized the chairman of the Committee on Agriculture in his own district and in his own State a lawyer from Texas who is familiar with agricultural conditions in Texas, or is he a lawyer imported from some other State?

Mr. JONES. I would rather not use such terms, but I understand his home is in Chicago. I did not say he criticized me in my own home town. I think he was generous enough not to do that, although he did go down into other parts of the State and present the side of the picture in which he was interested.

Mr. LUCAS. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield to my colleague on the committee, the gentleman from Illinois.

Mr. LUCAS. I hope the gentleman from Texas will explain to the Members of the House the diversified opinion of the different farm groups when they were called before our committee, about 10 days ago, on this very question.

Mr. JONES. Yes; I shall be pleased to do so.

Mr. SUMNERS of Texas. If the gentleman will yield, is the proposition it is proposed to whip through now a bill dealing with crops in 1938?

Mr. JONES. That was the purpose when it started, and as far as there is any whipping done, it is with reference to a program in 1938.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. The bill which is generally known as the Farm Bureau Federation bill provides for the 1938 crop, but also has some provisions with reference to loans that may be effective on this year's crop.

Mr. JONES. The gentleman is correct.

Mr. BOILEAU. These provisions are the only ones which apply to this year's crop, but I understand there are already provisions in the law which cover the same things, so that the bill being advocated by the Farm Bureau will have absolutely no effect on this year's crops?

Mr. JONES. That is my understanding.

Mr. NELSON. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield to the gentleman from Missouri.

Mr. NELSON. Is it not also true that we have the necessary provisions of law and that ample funds are available?

Mr. JONES. Ample funds are available for this purpose, and I have been assured by the man in charge that that is true. The members of the Committee on Agriculture are eager to prepare and to carry through a long-range program at the earliest possible moment, and will bend all their energies to do so. We are not shirking and we are not trying to avoid the responsibility.

Mr. DOXEY. Mr. Speaker, will the gentleman yield for a brief question in the nature of an observation?

Mr. JONES. I yield to my colleague, the gentleman from Mississippi.

Mr. DOXEY. Is it not a fact that the first draft of the bill of the Farm Bureau was not submitted to our committee until May 17, and that thereafter there were numerous drafts of the bill as finally submitted. Also that there has not been much change from the first draft to the last draft, which was introduced by our friend, the gentleman from Virginia [Mr. FLANNAGAN].

Mr. JONES. The gentleman is correct, according to my understanding.

Mr. DOXEY. Never in a conference with us has a farm group outside of the Farm Bureau agreed on the general provisions of this specific bill.

Mr. JONES. The gentleman is correct.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield to the gentleman from Illinois.

Mr. SABATH. As one who has in season and out of season for many years supported every measure for farm relief and aid, I cannot quite understand why it is necessary at this time to rush through legislation to relieve the farmers, when in 1935 and 1936 the farmers received from 100 to 300 percent higher prices than in years gone by. This applies to wheat, corn, hogs, beef, and nearly every commodity I know of.

I feel that the farmers have been benefited and are now in splendid position due to the high prices which they have been receiving for their commodities. So where does the need come from?

Mr. JONES. May I say to the gentleman that I cannot agree with his facts. There have been one or two commodities above parity, and parity is the 1909-14 price, which is frequently spoken of as the golden age of agriculture. The prices were nearer right then than at any other period, with the exception of one or two commodities. However, the price has been below parity for most of the time with the exception of one or two commodities. Then, even if they had been up, the great drought had considerable to do with this, and, as the expression was used by the President, it is wise to make hay while the sun shines. Additional legislation is needed to assure a fair price at all times, and connected with such legislation should be the assurance that there will be an adequate reserve supply in order that the consumer may be protected.

I think it is wise to have legislation and I think it is wise to have provision made just as early as possible, and I honor the Farm Bureau Federation for working on this. I honor the members who are at the head of that organization for the fine work they have done heretofore.

#### VARIOUS GROUPS

These farm groups met here, and while I recognize the responsibility of the Committee on Agriculture with respect to farm legislation, I have made the statement that if these various farm groups could agree, I would be disposed to help report out the legislation with practically no material change, being willing to take their judgment. They agreed on certain general principles, but on the measure that was submitted to us none of the other four major groups has presented any endorsement whatever. The dairy groups, which handle the most valuable commodity in America, did not present any endorsement and have not to this day.

The Council of Cooperatives which handles the actual commodity itself—that is, the affiliated groups that actually handle the marketing of farm commodities has never endorsed this bill to this day. The Farmers' Union has not endorsed this bill. The Grange has never endorsed the bill. While the leaders of these groups have their preferences in public matters, the organizations are nonpartisan, and I believe a majority of the rank and file of all of them have cooperated in the farm program.

So when the statement is made that the farm groups are together, you may realize that if they were together, bless your heart, I would go along; or if a majority of them were together, I would yield a good deal in a practical way in order to get long-range legislation that these spokesmen favor, but we were left with this situation.

#### THE COMMITTEE'S WORK

We have taken what I regard as the best features of the Farm Bureau bill. I do not care who gets the credit for it. If they would rather, I will let the name of someone else be on the bill and help report it out. I do not care who gets the credit for the legislation if we get the job done, but I want the job done right.

The committee has taken those provisions and has been trying to practicalize them. While we have been trying to do this they have been out whipping fury into the wild waves, and, of course, situations have developed.

I was told that it would hurt me if I took this position. I realize this is true whichever way it goes. Whether we pass legislation now or pass it later or do not pass legislation now or do pass it, with the situation in the form it is, it probably means that. But a man who cannot make



some sacrifice for a cause as important as this, is not of much account. [Applause.]

In framing the new legislation we are endeavoring to embody the principles set out in the message of the President, whose fine interest has made a farm program possible. We are also including suggestions by farmers and farm groups. The committee bill will be truly a farmers' bill.

Mr. ANDRESEN of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. ANDRESEN of Minnesota. In connection with the bill proposed by the Farm Bureau, is it not a fact that the Secretary of Agriculture also appeared before our committee in behalf of virtually all the provisions in that legislation?

Mr. JONES. Well, I would not put it that way. He endorsed it in principle, but, of course, we cannot pass a bill in principle. We have to pass a bill in terms. [Laughter.]

Mr. ANDRESEN of Minnesota. He has proposed no legislation other than what is contained in the Farm Bureau bill?

Mr. JONES. He has recommended a number of changes, and, I think, is anxious to be helpful.

Mr. PARSONS. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield to the gentleman from Illinois.

Mr. PARSONS. I have been very much interested in what the chairman has said about the various farm groups, and I am also impressed with his statement that he expects to continue to investigate and conduct hearings on the legislation. When does the gentleman expect to have it ready, after the opening of the next session?

Mr. JONES. We have no doubt we will have it ready not later than the very first part of the session. As a matter of fact, I have given assurance to everyone that seemed to want it that we would work on it and have a bill ready for consideration not later than the first part of the next session of Congress. We will have it ready as soon as possible.

Mr. PARSONS. Of course, the gentleman realizes that if there should be any serious break in the prices of farm commodities a special session could be called for early enactment of the legislation, if necessary.

Mr. JONES. That is true, or the powers with respect to loans on a reasonable basis, with such assurance, could be used. Either of those steps can be taken.

Mr. PATMAN. Mr. Speaker, will the gentleman yield.

Mr. JONES. I yield to the gentleman from Texas.

Mr. PATMAN. It has been contended that the Government cannot safely make a loan on these products until some kind of control bill has been passed or agreed upon; that the Government cannot be protected in any other way. I wish the gentleman would state whether or not he is in favor of such commodity loans now; and if so, can the Government safely make them without the passage of a control bill at this time?

Mr. JONES. That depends upon the standard of measure at which the loans are made. Of course, if you make high loans, there must be rigid control. If you make reasonable loans in emergency, I think, if proper care is used, with a proper control program, they can be safely made. I ask the gentleman, if he does not mind saying, whether he thinks the control provisions in the Farm Bureau bill on the desk are control provisions?

Mr. PATMAN. I do not believe they are effective control provisions. They would be wholly ineffective, if I understand it correctly.

Mr. PIERCE. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield to the gentleman from Oregon.

Mr. PIERCE. I think the country is entitled to know how much time these various groups spent before our committee and how recently. I recall it was but one forenoon.

Mr. JONES. We had conferences with the groups on two different occasions and when their bill was submitted we had several days of hearings by different groups that appeared before the committee on the suggested bill.

Mr. COLE of Maryland. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. COLE of Maryland. I want to know from the gentleman if it is his intention to report a bill, say, the 1st or the 4th of next January, or to ask for the passage of a resolution making it mandatory on his committee to investigate this subject and report back to the House at the convening of the next session.

Mr. JONES. They can make it mandatory if they want to. I have taken it up with the committee. The committee have all agreed they would be for it. I do not think there was a dissenting note, and if there is any member of the committee here that cannot agree to that I wish he would say so. We have that understanding, and we assured the leadership of the House and others that we were willing to do that, but if the House wants to make it certain by passing the directing resolution, I do not mind it. Further, the House leadership has issued a statement in which they have assured us that they will give the matter right-of-way for immediate consideration when it is presented.

Mr. COLE of Maryland. And during the interim between the adjournment of Congress and the convening of the next session, January 4, the committee will want to have hearings, and I ask the gentleman what authority there would be for that?

Mr. JONES. Does the gentleman mean in the next 2 weeks?

Mr. COLE of Maryland. No; in the interim between adjournment and the next session.

Mr. JONES. I think the House would give us permission to do that.

Mr. COLE of Maryland. That is what I had in mind.

Mr. JONES. I should favor that. I think that should be given.

Mr. HILL of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. HILL of Oklahoma. It is said that there are \$106,000,000 now that can be used for the purpose of subsidy for the farmers who have surpluses that are being sold at less than their value. What about that?

Mr. JONES. There is a larger sum than that that is available for any sort of supplementary payments that may be desired. There is much more than that available for loans. The Commodity Credit Corporation would have the authority to make any reasonable loans, but the gentleman understands the position taken by those who have control of that. There is some reason for their wanting assurance, and I do not blame them for wanting some assurance as to what the Congress is going to do if they exercise that privilege. I have done my best to give that assurance.

Mr. HILL of Oklahoma. I know the gentleman has.

Mr. JONES. That is a matter in their hands. They might want to know that we are going to have a program that would not call for a continuation of these things indefinitely. I can understand the reason for this interest.

Mr. PIERCE. I think the membership should realize that if we are entering on a program of controlling agricultural products it will take untold millions and run into the billions to control them.

Mr. JONES. There might be a difference of opinion about that.

Mr. TOBEY. Mr. Speaker, will the gentleman yield?

Mr. JONES. Yes.

Mr. TOBEY. Mr. Speaker, I wish to address myself to the House at this time with reference to the Agricultural Committee. It has been my privilege to be a member of that committee for the last 5 years. It is a great experience to be a member of that committee, and I pay tribute here and now to MARVIN JONES, its chairman, a high-minded man of great ability, motivated with but one passion, and that is the welfare and well-being of agriculture in this country. [Applause.] Mr. Speaker, when the Members of this House who happen to be absent this afternoon read the Record



tomorrow morning and realize the fairness and understanding with which Mr. Jones has presented this matter, I am confident that they will all go along with the committee, regardless of political affiliation. I speak as a Republican and gladly testify that partisan politics has no place in the committee's work. We all have the greatest confidence in the leadership of our chairman. [Applause.]

Mr. JONES. Mr. Speaker, I appreciate the generous compliment of my friend and coworker on the committee. I would rather have the good will of the committee and of the House of Representatives, which I believe is the greatest legislative body in the world, than to have anything else. I have always felt that the only way to earn the respect of this body is to be completely fair and honest with the body, and that is what I have tried to do. I have told those gentlemen of the danger in throwing the Treasury under these payments, with a control system that is doubtful. I have fear, and have so expressed myself, that if we did that and had a lot of obligations to the farmers which we could not meet, it might wreck the new program as well as the old. I would dislike to see the work that has been built up through the years lost in that way. In other words, I do not believe we ought to be stampeded into adopting a program that might imperil what we already have. Many people who have studied this question feel that the proposed bill might do just that. We cannot afford to find ourselves in the attitude of having promised the farmer a dollar and giving him 40 or 50 cents. If we promise him a dollar, I want to give him a dollar. [Applause.]

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. SABATH. I fully agree with the statement of the gentleman from New Hampshire [Mr. TOBEY] in the compliment he has paid to the chairman of the committee. I, too, have utmost confidence in the chairman of the Committee on Agriculture, and because I have that confidence I am going to ask him a question, whether he is not of the opinion that if consumption should be increased, and the purchasing power as well, that the prices of the products of the farmer naturally would increase?

Mr. JONES. I thoroughly agree with the gentleman.

Mr. SABATH. Would it not be advantageous to the farmer if we would bring about legislation that would increase the wages of wage earners?

Mr. JONES. The time limit will not permit me to discuss other issues.

Now, let me ask you to permit me to discuss two or three new features in the bill which the committee is preparing. We have the terms I spoke of a while ago, we have the ever normal granary, and then we have added two or three new features to the bill.

#### GRADUATED PAYMENTS

First, we have provided for a graduated system of benefit payments, so that the large producer who has gotten these great funds in individual cases will have them greatly reduced on a graduated-scale basis. The man, even on a soil-conservation payment, who has a great tract of land, can treat that tract at less expense than the man who has a small tract and who has to have all of his facilities just the same. I think it is correct philosophy, anyway. So we have put that provision in the bill, and that has not been in a general agricultural bill before.

#### RESEARCH LABORATORIES

Then we included a provision to the effect that there shall be established in each major agricultural producing area a research laboratory to search out new uses and new markets and new outlets for various commodities. It think that offers a vast field. There is a chemical revolution going on in America at this time, in fact, all over the world. I think there is a vast field there, and that tallies in with what my friend was saying a while ago.

#### FREIGHT RATES

Then we have another thing that I regard as of tremendous importance that has not been put in any bill. We

give the Secretary authority to file with the Interstate Commerce Commission applications for adjustments in farm freight rates. [Applause.] That is a matter of tremendous importance. Various groups that are organized and have plenty of money are able to present their problems. The farmers in these wide stretches are not able to fight their problems through.

I just want to read to you two or three of the rank discriminations that have been built up in the agricultural rate structure. I want to call attention, before I do that, to the system that prevails about zones. Figuring a certain industrial zone in America as having rates at 100 percent, then the second zone, which is the southern, would be 139. In other words, the freight rates are 39 percent more in that zone. In the western trunk-line zone they are 47 percent more, or 147. In the southwestern zone, 175. In the Mountain-Pacific, 171.

I wish the Members would get that testimony which was heard before the Committee on Education and Labor, beginning on page 1023, by J. Hayden Aldrich.

#### INDIVIDUAL RATES

Now, I want to call your attention to some discriminations, just individual rates.

Let us take the case of two plows shipped from Indianapolis to Galveston, Tex., one for export, the other to be used by a farmer in Texas. The rate on the plow that stays in Texas is \$1.04 per 100 pounds, but the rate on the plow that goes abroad is 44 cents per 100 pounds, both loaded at the same city and unloaded at the same port. This is not right.

[Here the gavel fell.]

Mr. FORD of Mississippi. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 15 additional minutes.

The SPEAKER pro tempore (Mr. RANDOLPH). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. JONES. I thank the gentleman from Mississippi. I am sorry to take so much time. Here is another illustration: The rate on agricultural implements from Indianapolis to New Orleans, La., taking plows, again, is 44 cents per 100 pounds for the plow that is to be exported, but it is 75 cents per 100 pounds for the plow that stays in Louisiana. This is a bonus to industry. Maybe it is justified, maybe it is in the interest of progress, but it is not fair unless the same low rates are given to the products of agriculture.

#### CORRECTING RATES

We authorize the Secretary of Agriculture to file applications for adjustment and to fight them through either himself or in cooperation with cooperative organizations of farmers.

I have other rates from Chicago to New Orleans and other points, but I shall not take time to go into them all.

Steel affords another interesting example. The rate on steel shipped from Chicago, Ill., to San Francisco, Calif., to be used in California, is \$1.02 per 100. The rate on similar steel from Chicago for shipment abroad is 40 cents. The rate on steel from Gary, Ind., to New York, loaded at the same station and unloaded on the same dock, is 47 cents if the steel stays in New York but only 34 cents if it is to be shipped abroad.

#### COCONUT OIL

Coconut oil comes into Galveston and is shipped to Chicago, Ill., and Cincinnati, Ohio. The rate from Galveston to these cities on coconut oil is 35 cents, but if we cotton farmers of the South ship cottonseed oil from Galveston to Cincinnati, we have to pay 60 cents per 100 pounds—25 cents on 100 pounds difference against an American product, our own cottonseed oil. These things just illustrate the many different propositions that are involved. We want to provide a way to correct these unjust discriminations.

Then we have a control feature which I think should be linked up with this, but which we want to go into further, and it may be necessary to strengthen this.



## DISPOSING OF SURPLUS

We have in our bill a further provision which enables a certain fund to be used for increasing the markets for a surplus commodity. I think we ought not only to have a control provision, but we ought to have a provision that will link distribution into control, because if you get wider distribution and use, you have accomplished the same purpose and more, because you have kept more people at work. In other words, the point I am trying to make here this afternoon is that we ought not to plant morning glory vines, we ought to try to plant oak trees. [Applause.]

Many glorious chapters have been written in American history, written in the blood and courage and zeal of pioneers, written in the ring of the axe in the primeval forests, written in the tunnels that pierce the mountains, written in the bridges that span yawning chasms, written in the creaking of the western-bound prairie wagons, written in the sweat of the toiling plowman, in the genius and magnitude of industry, in the skyline of great cities, and in the building of those things that are distinctly American.

## PRODUCTION AND DISTRIBUTION

We have mastered the machinery of production to a greater degree than we have mastered the machinery of distribution. The problem, however, is not to destroy production, not to destroy distribution, but to get them properly yoked and linked. With all of our talk about surpluses, I have always felt that we have never produced building material but that somewhere in this land or in lands that are an open market to us, there is a human being that needs the shelter that material could furnish; that we have never grown a bale of cotton but that somewhere in this or in distant lands is a child, a woman, a man, some human being, who needs the warmth that clothing can furnish; that we have never grown a bushel of wheat but that somewhere out yonder under the stars is a hungry mouth that needs to be fed. We do not want to destroy production, we do not want to destroy distribution. Sometimes one gets ahead of the other and it is necessary to have control; but we want to march them side by side as handmaidens of each other [applause] and as twin evangels of the economic life of our common country. [Applause, the Members rising.]

## PERMISSION TO ADDRESS THE HOUSE

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. McGEHEE. Mr. Speaker, as a Representative from the State of Mississippi, whose population is predominately of the agriculture class, and whose principal crop is cotton, I am very much disturbed as to what position they will be placed in within the next 60 days, because the gathering of this, one of our basic agricultural commodities, will be in full swing.

The chairman of the Senate Agriculture Committee, Senator SMITH, of South Carolina, and the Chairman of the House Agriculture Committee, MARVIN JONES, of Texas, have stated to the membership of each body and the press generally, there will likely be no farm legislation enacted at this session of Congress.

I can appreciate these gentlemen's positions, both of whom are from the South, and whose constituents are farmers and their principal crop is cotton, and that they are familiar with their problems and are anxious when any legislation is passed, they, too, will be placed on an equal basis of benefits as the farmers in the other sections of the country who raise the other basic commodities, such as corn, wheat, and tobacco.

I understand why they will not further consider farm legislation at this session, until they can go into the different sections of the country and hold hearings to get the viewpoint of this class of our citizenship.

Mr. Speaker, realizing that there will likely be no legislation in behalf of the farmers passed at this session, and

further realizing the position the cotton, wheat, and corn growers are going to be placed in when the gathering of their crop is in full swing, relative to the marketing of same with prices daily declining, it behooves this Congress at its present session to do something for the farmers of our Nation before adjournment so as to protect them in this, a moment which, in my opinion, is very critical.

A report recently submitted by the Department of Agriculture as to the acreage and condition of the crops of our major commodities—cotton, corn, and wheat—shows that on last year there was an acreage planted in cotton in round figures 31,000,000, and this year an acreage of about 34,000,000. Therefore, by reason of climatic conditions being more favorable this season, there will likely be produced around 15,500,000 bales of cotton, whereas on last year there was 12,148,000 bales produced; that there was an increase in the acreage of wheat and corn, and therefore a proportionately increased yield predicted.

Mr. Speaker, I am sure the membership is following daily the market reports on each of these major products of the farm and have noted that within the past 5 or 6 weeks there has been a very decided decline in the price of each. In fact, if you have noted these daily reports, you are aware there has been a constant decline for the past 45 days on each of them.

I want to call your attention to the fact that, in my opinion, even though there is likely to be an increase in the yield of the three major crops caused by an increase in acreage and favorable climatic conditions; that even though this is true, by reason of the increased demand from the European and Oriental countries, and by reason of the increased purchasing power of the people of this country, that such increase does not and will not justify the lowering of the prices of same, but should, in my opinion, justify the assertion there should be a material increase in the price of each.

Mr. Speaker, those of our people whose avocation is to speculate on the boards of trade and exchanges of our country for a livelihood are using this fact—that is, an increase of production by reason of the small increase in acreage and the benefaction of our Creator of weather conditions—as a means and method of hammering down the prices of same for the personal benefit and gain of those who follow this method of making a livelihood.

Mr. Speaker, there is but one way to thwart this method of depriving this patriotic class of our citizenship, who are not asking this body to restrict their hours of labor, who principally work 12 to 15 hours per day to produce their crops, not only by the labor of themselves but of their wives and children, and who are only asking this body for a fair deal and that they be placed in line with the people following other avocations and receive a remuneration for their days, weeks, months, and year of labor, commensurate with those following other avocations, and that way is for Congress to pass an act authorizing loans on their products that will at least cover the cost of production, unless the President will exercise the authority already given him by Congress.

Since it is so open and apparent that the speculators are using the conditions stated as a means to increase their earnings and deprive the farmers of their just dues, it behooves this body, who only can control the situation, to pass legislation protecting them, thereby keeping the basic people of our country in a prosperous condition, for the Nation only prospers when the farmers prosper.

I have, therefore, introduced a bill authorizing and directing the Department of Agriculture, through whatever agency it may designate, to make loans unto these people whom I represent, and who are raising the products of the farm that is not only clothing the people of our Nation but the people of the world, the price of which has been hammered down within the past 5 weeks almost 2 cents per pound; that is, cotton.

The provisions of this bill, which would enable our Government, through the Department of Agriculture, to loan to



them a price of not less than 12 cents per pound,  $\frac{7}{8}$ -inch Middling basis, would not give them a profit but would merely remunerate them for their labor for the year of toil in the production of same.

Legislation for the benefit of every class of our farmers throughout the country has been introduced and is now pending before the committees of each branch of our legislative body, but because of the differences of opinion by the Representatives from the different districts representing the different classes of our agricultural people, each of whom have at heart the welfare of that class in their several sections, are of the opinion that the bill that is being fostered by the Department of Agriculture and administration will not give equitable relief to all classes of same as it should.

Mr. Speaker, I want to say that, even though I come from an agricultural State whose principal crop is cotton, I want to see the corn, wheat, tobacco, barley, cotton, and all classes of our farmers who raise the same to be placed on an equitable basis and will support legislation that will do so.

As stated, the bills that are pending now, and especially those fostered by the Department of Agriculture, do not give to the cotton farmers of the South the same fair and equitable benefits as they do to other classes of our farmers; that is, wheat, corn, and tobacco. Hence no Representative of that class of our people who raise cotton would support and foster legislation of that kind, because the cotton farmers of the South are citizens of this great country of ours and their hearts and souls pulsate with that same patriotism for the preservation of each and every class of our citizenship, as do those in any other section who are the producers of other commodities of the farm.

[Here the gavel fell.]

Mr. ROMJUE. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. McGEHEE. Mr. Speaker, I want to call the membership's attention to the fact of the disparity that was placed on the cotton farmers of the South in the enactment of the Agricultural Adjustment Act by this Congress 3 or 4 years ago, which was declared unconstitutional by the Supreme Court. The present legislation pending, passage of which is being urged by the Department of Agriculture and administration, is even more disparaging when, as stated, every class of our people whose avocation is agricultural pursuits should be on an equitable basis.

Under the act we labored under and as passed by this Congress in 1933 the cotton farmer received an average payment per rented acre of \$8.53; he received an average payment per rented acre, including cotton price-adjustment payment, of \$9.98. The tobacco farmer received an average payment per rented acre of \$52.43; the corn farmer received \$9.06 per acre; and the wheat farmer received \$16.46 per acre. The average return per planted acre of these farmers on which their basis acreage were adjusted from 1928 to 1932 is as follows:

Cotton.....	\$23.21
Tobacco.....	107.22
Corn.....	14.01
Wheat.....	8.96

The average return per planted acre of these farmers from 1920 to 1929 was as follows:

Cotton.....	\$35.99
Tobacco.....	146.83
Corn.....	20.67
Wheat.....	14.99

The payment per rented acre as a percent of the average return per rented acre from 1928 to 1932, on which parity payments were made, is as follows:

	Percent
Cotton.....	36.8
Tobacco.....	48.9
Corn.....	64.7
Wheat.....	183.7

The payment per planted acre, including cotton price-adjustment payments as a percent of the average return per planted acre from 1920 to 1929, was only 27.7 percent.

These figures will show unto the Members of Congress that the cotton farmer received under this act a much lower percentage of the benefits from the payments made from the rented acreage to the Government than those growing corn, tobacco, and wheat.

[Here the gavel fell.]

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to proceed for 4 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. LAMBERTSON. Mr. Speaker, reserving the right to object, and I shall not object if I can get 10 minutes at the end of the gentleman's speech. Will the gentleman yield for a unanimous-consent request?

The SPEAKER. The Chair thinks it is improper to couple a condition with an objection. The gentleman from Kansas must either object or not object. Does the gentleman object?

Mr. LAMBERTSON. No. I wanted 5 minutes last night. I do not object to a new Member using 10 or 15 minutes.

The SPEAKER. The gentleman has a right to object, but he cannot couple an objection with a request. Is there objection?

Mr. RICH. Mr. Speaker, reserving the right to object, may I ask the gentleman if he will answer one or two questions at the end of his speech?

Mr. McGEHEE. I will be glad to answer the questions.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. McGEHEE. As I have stated, I am sure the membership desires, just as I do, to see that our agricultural people and their status in any legislation passed by Congress is equitable and just to each class of our producers. But the legislation now pending, just as that passed in 1933, is not giving to the cotton farmers whom I represent that same equitable distribution as it does to the other classes.

Permit me to state to the membership, in the event under the act passed by Congress in 1933, if the cotton farmer had received a proportion in benefits to the tobacco, corn, and wheat farmer, the price per acre would have been as follows:

In proportion to that as received by the tobacco farmer, the cotton farmer would have received in the place of their benefits and adjustment \$9.98 per acre, the sum of \$12.85 per acre; in proportion to what the corn farmer received on the same basis, he would have received \$15.76 per acre and in proportion to what the wheat farmer received, he would have received \$39.52 per acre, or, in other words, the cotton farmer received payment per pound at the average yield per acre of 5.02 cents, and with the adjustment payment an average of 5.87 cents per pound. But if he had received in proportion to what the tobacco farmer received, he would have received 7.6 cents per pound; in proportion to what the corn farmer received, 9.3 cents per pound; and in proportion to the wheat farmer, 23.2 cents per pound.

Now, if H. R. 7577 should be passed, as the Department of Agriculture and many of our farm organizations insist, the cotton farmer would be further penalized insofar as returns are concerned about as follows: Cotton, 50 percent plus; tobacco and corn, between 60 and 70 percent plus; and wheat, about 80 percent of parity prices.

Now, my fellow Members, I am calling your attention to this with a view of awakening the membership of the House, who are representing the corn, wheat, and tobacco farmers, to the fact that the cotton farmers have been discriminated against in all legislation passed since the beginning of the New Deal, which I know was not intentional on the part of their Representatives, but my purpose is to call it to your attention, with a view of thwarting another wrong on the Southern cotton farmers of the country and to see that they



are placed on an equitable basis with those whom you represent.

Mr. Speaker, realizing the nonequitable distribution that has been paid to the farmers, especially in my section, and my intense desire as their Representative to see that they receive that same equal benefit in proportion with the other classes of our agricultural people, I have introduced this bill and am pleading with the membership for its passage, so as to loan to the cotton farmers of the South moneys at a price per pound, which, as stated, will return to them at least the cost of production and a meager wage on their part for same.

The measures that are being fostered by the Department of Agriculture and recommended by the administration have provisions in them which are far more inequitable and proportionately as disparaging insofar as the benefits to our Southern cotton farmers are concerned, as the legislation heretofore passed in behalf of our agricultural people in the past 4 years.

I cannot stand by and see this done without appealing to those of you who represent the corn, wheat, tobacco, and other agricultural sections, to join hands with me in asking for relief for my people, and your people if you should deem it necessary, at this critical moment, and to embody the same benefits in my bill.

I am further reciting to you the facts of that which has existed in your actions heretofore. I am aware of the fact that through legislation heretofore passed by Congress our President has the authority by Executive order to authorize the Commodity Credit Corporation to make loans on the basic crop production of the farms, at whatever price he may desire to fix, and that the machinery is already set up whereby this can be done and sufficient moneys are available for the carrying out of that Executive order, if so given. But I am fearful that on account of no farm legislation being enacted at this session, and because of the President's statement that it was one of his "must" bills, this Executive order will not be taken advantage of. Hence my reason for the introduction of this bill and urging its passage by Congress so as to in this way peg the price of cotton at a percentage that will give a return to my people of a living wage and stop the speculators from hammering it down to a price that is not commensurate with the cost of living and a meager return for their labor.

[Here the gavel fell.]

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. RICH. Mr. Speaker, reserving the right to object, I ask unanimous consent that the gentleman may have 2 additional minutes. I would like to ask him some questions.

The SPEAKER. The gentleman from Mississippi [Mr. McGEHEE] asks unanimous consent to address the House for 1 additional minute. Is there objection?

Mr. RICH. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. RICH. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. McGEHEE] may have 2 additional minutes to address the House.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection?

Mr. McGEHEE. Mr. Speaker, I am not selfish in asking for this legislation. I only want to see justice done by the Representatives of the people throughout the land. If the Representatives of the corn, wheat, and tobacco sections, by reasons of conditions existing on the speculative market, are of the opinion that the products grown by their constituents will be hammered down by the speculators below the cost of production, I am willing that the committee who considers this bill I have introduced shall amend it pegging the price of their products and add an appropriation sufficient to take care of same unless an Executive order should be given taking care of the situation.

I am for the prosperity of this Nation as a whole. I realize that legislation should not be enacted for any particular section, but it should be equitable to all classes and none should ask for any legislation at the expense of another. We must work as Representatives in uniformity for our agricultural people, for they form the foundation of the structure of any prosperous country.

My bill is only applicable to the crop grown in the year 1937, as I am assuming, and feel safe in that assumption, that this Congress when it convenes next January, through the efforts of the committees and of the Members of both branches, who I know to be vitally interested in the same, because the prosperity of our country absolutely depends on the prosperity of our agricultural people, will see that equitable and adequate farm legislation will be enacted, so as to in the future give the proper protection to this class of our citizenship, upon whom depend the very life, prosperity, and happiness of the whole people of the Nation.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. McGEHEE. I yield to the gentleman from Pennsylvania.

Mr. RICH. The gentleman speaks about the increased production of cotton. Has there been any increase in the exportation of cotton during the last year or two?

Mr. McGEHEE. Yes; there has been a material increase in the exportation of cotton.

Mr. RICH. To what extent?

Mr. McGEHEE. Some 2,000,000 bales. I do not have the exact figures.

Mr. RICH. A few years ago about 58 percent of our cotton was exported. What percentage of our cotton is now being exported?

Mr. McGEHEE. Last year about 40 percent.

[Here the gavel fell.]

#### BONNEVILLE PROJECT

Mr. PARSONS submitted a conference report and statement on the bill (H. R. 7642) to authorize the completion, maintenance, and operation of Bonneville project for navigation, and for other purposes.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted, as follows:

To Mr. FITZPATRICK, indefinitely, on account of official business.

To Mr. O'NEAL of Kentucky, indefinitely, on account of official business.

To Mr. SCRUGHAM, indefinitely, on account of official business.

To Mr. WHITE of Idaho, indefinitely, on account of illness.

#### SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1261. An act to amend the Interstate Commerce Act, as amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 2583. An act to provide for the acquisition of certain lands for and the addition thereof to the Tahoe National Forest, in the State of Nevada, and the acquisition of certain lands for the completion of the acquisition of the remaining lands within the limits of the Great Smoky Mountains National Park, in east Tennessee; to the Committee on Public Lands.

S. 2670. An act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes; to the Committee on Agriculture.

S. J. Res. 191. Joint resolution to protect foreign diplomatic and consular officers and the buildings and premises occupied by them in the District of Columbia; to the Committee on Foreign Affairs.

#### ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly



enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 2260. An act to provide for intervention by the United States, direct appeals to the Supreme Court of the United States, and regulation of the issuance of injunctions, in certain cases involving the constitutionality of acts of Congress, and for other purposes.

#### BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On August 10, 1937:

H. R. 420. An act for the relief of Marjorie L. Baxter;  
H. R. 827. An act for the relief of Fred P. Halbert;  
H. R. 886. An act for the relief of Guido Biscaro, Giovanni Polin, Spironello Antonio, Arturo Bettio, Carlo Biscaro, and Antonio Vannin;

H. R. 1207. An act conferring jurisdiction upon the United States District Court for the Middle District of Georgia to hear, determine, and render judgment upon the claims of the estates of Marshall Campbell and Raymond O'Neal;

H. R. 1690. An act for the relief of Ralph Reisler;  
H. R. 1734. An act for the relief of Sam Romack;  
H. R. 1770. An act for the relief of the Farmers' Storage & Fertilizer Co., of Aiken, S. C.;

H. R. 1794. An act for the relief of the estate of Marcellino M. Gilmette;

H. R. 1869. An act for the relief of J. Roy Workman, Adelaide W. Workman, and J. Roy Workman, Jr., a minor;

H. R. 1915. An act for the relief of Charles Tabit;  
H. R. 2488. An act for the relief of A. H. Sphar;  
H. R. 2740. An act for the relief of John N. Brooks;  
H. R. 3395. An act for the relief of J. H. Knott;  
H. R. 3503. An act for the relief of George O. Claypool;  
H. R. 3745. An act for the relief of W. H. Lenneville;  
H. R. 3750. An act for the relief of Jack C. Allen;  
H. R. 3866. An act to add certain lands to the Columbia National Forest in the State of Washington;

H. R. 3960. An act for the relief of the Southern Over-all Co.;

H. R. 3987. An act for the relief of the estate of Col. C. J. Bartlett, United States Army;

H. R. 4156. An act for the relief of George R. Brown;  
H. R. 4526. An act for the relief of Lake Spence;  
H. R. 4543. An act to amend the Tariff Act of 1930 to exempt vessels arriving for the purpose of taking on ship's stores and certain sea stores from the requirement of formal entry;

H. R. 5229. An act for the relief of Carson Bradford;  
H. R. 5622. An act for the relief of Marian Malik;

H. R. 5859. An act authorizing the Territory of Alaska to transfer a certain tract of land to Sitka Cold Storage Co., a corporation;

H. R. 5963. An act providing for the establishment of a term of the District Court of the United States for the Northern District of New York at Malone, N. Y.;

H. R. 6059. An act for the relief of Edith Jordan;

H. R. 6482. An act providing for cooperation with the State of Oklahoma in constructing a permanent memorial to Will Rogers;

H. R. 6547. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works in or in the vicinity of the District of Columbia, and for other purposes;

H. R. 7274. An act to enable the Department of Labor to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices and to cooperate with the States in the promotion of such standards;

H. R. 7433. An act to advance a program of national safety and accident prevention;

H. R. 7714. An act to authorize the Secretary of Commerce to transfer the two unused lighthouse sites in Kahului

town site, Island of Maui, Territory of Hawaii, in exchange for two plots of land located in the same town site and now occupied for lighthouse purposes under permission from the respective owners, the Kahului Railroad Co. and the Hawaiian Commercial & Sugar Co., Ltd.;

H. R. 7727. An act to authorize the administration of oaths by the Chief Clerk and the Assistant Chief Clerk of the office of the United States High Commissioner to the Philippine Islands, and for other purposes;

H. R. 7741. An act to amend the Adjusted Compensation Payment Act, 1936, to provide for the escheat to the United States of certain amounts;

H. J. Res. 284. Joint resolution authorizing the President of the United States of America to proclaim the 13th day of April of each year Thomas Jefferson's Birthday; and

H. J. Res. 288. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the New York World's Fair 1939, New York City, N. Y., to be admitted without payment of tariff, and for other purposes.

On August 11, 1937:

H. R. 5969. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and

H. R. 6384. An act to liberalize the provisions of existing laws governing service-connected benefits for World War veterans and their dependents, and for other purposes.

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

Mr. O'BRIEN of Illinois. I object, Mr. Speaker.

Mr. LAMBERTSON. Mr. Speaker, I make the point of order a quorum is not present.

#### ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until tomorrow, Thursday, August 12, 1937, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON NAVAL AFFAIRS

Special Subcommittee on Naval Affairs appointed by Chairman CARL VINSON will hold continued open hearings on H. R. 7777, to further amend section 3 of the act entitled "An act to establish the composition of the United States Navy with respect to the categories of vessels limited by treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, at the limit prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes", approved March 27, 1934 (48 Stat. 505), as amended by the act of June 25, 1936 (49 Stat. 1926; 34 U. S. C., sec. 496), Thursday, August 12, 1937, at 10:30 a. m.

##### COMMITTEE ON INVALID PENSIONS

There will be a meeting of the Committee on Invalid Pensions on Thursday, August 12, 1937, at 10 a. m.; hearings on H. R. 3580, H. R. 6824, and H. R. 6904.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MALONEY: Committee on Interstate and Foreign Commerce. H. R. 7348. A bill declaring Bayou Savage, also styled Bayou Chantilly, in the city of New Orleans, La., a nonnavigable stream; without amendment (Rept. No. 1492). Referred to the House Calendar.

Mr. MALONEY: Committee on Interstate and Foreign Commerce. H. R. 8068. A bill to authorize the construction of bridges in Caddo Parish, La.; without amendment (Rept. No. 1493). Referred to the House Calendar.

Mr. WOLFENDEN: Committee on Interstate and Foreign Commerce. H. R. 8167. A bill to extend the times for commencing and completing the construction of a bridge across



the Delaware River between the village of Barryville, N. Y., and the village of Shohola, Pa.; without amendment (Rept. No. 1494). Referred to the House Calendar.

Mr. COLE of Maryland: Committee on Interstate and Foreign Commerce. S. 2761. An act authorizing the State of Maryland, by and through its State Roads Commission or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State; without amendment (Rept. No. 1495). Referred to the House Calendar.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. H. R. 8027. A bill to authorize the reservation of minerals in future sales of lands of the Choctaw-Chickasaw Indians in Oklahoma; with amendment (Rept. No. 1496). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on the Public Lands. S. 1889. An act authorizing the Secretary of the Interior to convey all right, title, and interest of the United States in certain lands to the State of New Mexico, and for other purposes; without amendment (Rept. No. 1497). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on the Public Lands. S. 2613. An act for the relief of certain applicants for oil and gas permits and leases; without amendment (Rept. No. 1498). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on the Public Lands. S. 2614. An act authorizing the Secretary of the Interior to patent certain tracts of land to the State of New Mexico and Cordy Bramble; without amendment (Rept. No. 1499). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEVER: Committee on the Public Lands. S. 2682. An act to authorize the Secretary of the Interior to issue patents to States under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), subject to prior leases issued under section 15 of the said act; without amendment (Rept. No. 1500). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Washington: Committee on Indian Affairs. S. 558. An act amending acts fixing the rate of payment of irrigation construction costs on the Wapato Indian irrigation project, Yakima, Wash., and for other purposes; without amendment (Rept. No. 1501). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALMISANO: Committee on the District of Columbia. S. 2194. An act to provide for the semiannual inspection of all motor vehicles in the District of Columbia; without amendment (Rept. No. 1502). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Alabama: Committee on the Judiciary. S. 1551. An act to amend section 24 of the Judicial Code, as amended, with respect to the jurisdiction of the district courts of the United States over suits relating to the collection of State taxes; without amendment (Rept. No. 1503). Referred to the House Calendar.

Mr. MANSFIELD: Committee on Rivers and Harbors. S. 2650. An act to authorize the completion, maintenance, and operation of the Fort Peck project for navigation, and for other purposes; without amendment (Rept. No. 1504). Referred to the Committee of the Whole House on the state of the Union.

Mr. O'CONNOR of New York: Committee on Rules. House Resolution 305. A resolution providing for the consideration of S. 413, an act to create a commission and to extend further relief to water users on United States reclamation projects, and on Indian irrigation projects; without amendment (Rept. No. 1505). Referred to the House Calendar.

Mr. O'CONNOR of Montana: Committee on Indian Affairs. H. R. 7649. A bill relating to certain lands within the boundaries of the Crow Reservation, Mont.; without amend-

ment (Rept. No. 1506). Referred to the Committee of the Whole House on the state of the Union.

Mr. TOWEY: Committee on the Judiciary. H. R. 7709. A bill to incorporate the American Chemical Society; without amendment (Rept. No. 1508). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. IGLESIAS: A bill (H. R. 8213) to authorize the Secretary of the Treasury to dispose of certain real estate of the Treasury Department; to the Committee on Public Buildings and Grounds.

By Mr. MURDOCK of Arizona: A bill (H. R. 8214) to authorize the erection of additional facilities to the existing United States Veterans' Administration Facility at Tucson, Ariz.; to the Committee on World War Veterans' Legislation.

By Mr. CANNON of Missouri: Resolution (H. Res. 306) relative to the enactment of legislation providing for the stabilization of agricultural prices; to the Committee on Rules.

By Mr. DIMOND: Concurrent resolution (H. Con. Res. 24) requesting the President to prepare and submit to Congress a plan for development of resources and commerce of Alaska; to the Committee on the Territories.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANNON of Missouri: A bill (H. R. 8215) for the relief of the State of Missouri; to the Committee on Claims.

By Mr. CASE of South Dakota: A bill (H. R. 8216) for the relief of William M. Robertson; to the Committee on the Civil Service.

By Mr. JARMAN: A bill (H. R. 8217) granting an increase of pension to Grizelda Hull Hobson; to the Committee on Pensions.

By Mr. McLAUGHLIN: A bill (H. R. 8218) for the relief of Thomas P. Dineen; to the Committee on Claims.

Also, a bill (H. R. 8219) for the relief of Bonnie Straley; to the Committee on Claims.

By Mr. PACE: A bill (H. R. 8220) for the relief of Lizzie Ragan; to the Committee on Claims.

By Mr. PETERSON of Georgia: A bill (H. R. 8221) for the relief of Lee C. Brinson; to the Committee on War Claims.

By Mr. REED of New York: A bill (H. R. 8222) for the relief of William H. Keesey; to the Committee on Claims.

By Mr. STACK: A bill (H. R. 8223) granting a pension to Elizabeth C. Conley; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3218. By Mr. CURLEY: Petition of the Merchants Association of New York City, urging enactment of House bill 8129, introduced by Congressman KENNEY, providing an amendment to the Motor Carrier Act exempting motor-truck operations within metropolitan districts from the provisions of the act; to the Committee on Interstate and Foreign Commerce.

3219. Also, petition of the Department Store Employees Union, New York City, urging enactment of the Allen-Schwellenbach bill; to the Committee on Appropriations.

3220. By Mr. PFEIFER: Petition of the Central Trades and Labor Council of Greater New York and vicinity, urging support of the wage and hour bill and the housing bill; to the Committee on Banking and Currency.

3221. By Mr. KEOGH: Petition of the Central Trades and Labor Council of Greater New York and Vicinity, concerning the wage and hour bill and the housing bill; to the Committee on Banking and Currency.



3222. Also, petition of the International Agricultural Corporation, New York City, concerning the wage and hour bill; to the Committee on Labor.

3223. By Mr. PFEIFER: Petition of the International Agricultural Corporation, New York City, concerning exemption of the fertilizer industry in the wage and hour bill; to the Committee on Labor.

3224. By Mr. KENNEY: Petition of the Brotherhood of Railroad Trainmen, urging enactment of the Federal train-limit law; to the Committee on Interstate and Foreign Commerce.

3225. By Mr. FITZPATRICK: Petition of the Central Trades and Labor Council of Greater New York and Vicinity, urging the passage of the wage and hour bill, also the housing bill; to the Committee on Ways and Means.

3226. By Mr. DICKSTEIN: Petition of the Disabled American Veterans of the United States; to the Committee on World War Veterans' Legislation.

3227. By Mr. CLASON: Petition of Mayor Henry Martens and six members of the board of aldermen of Springfield, Mass., requesting Congress to give immediate consent to the Connecticut River interstate flood-control compact as approved by the legislatures of Connecticut, New Hampshire, Vermont, and Massachusetts; to the Committee on Flood Control.

3228. Also, petition of Mayor Charles L. Dunn and five members of the board of aldermen of Northampton, Mass., requesting Congress to give immediate consent to the Connecticut River interstate flood-control compact as approved by the legislatures of Connecticut, New Hampshire, Vermont, and Massachusetts; to the Committee on Flood Control.

3229. By Mr. CURLEY: Petition of Local 802, American Federation of Musicians, Associated Musicians of New York, urging enactment of the Allen-Schwellenbach bill; to the Committee on Appropriations.

## SENATE

THURSDAY, AUGUST 12, 1937

(Legislative day of Monday, Aug. 9, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, August 11, 1937, was dispensed with, and the Journal was approved.

### MESSAGES FROM THE PRESIDENT—NOMINATIONS AND APPROVAL OF BILLS AND JOINT RESOLUTION

A message in writing from the President of the United States nominating HUGO L. BLACK, of Alabama, to be an Associate Justice of the Supreme Court of the United States and also messages submitting sundry other nominations were communicated to the Senate by Mr. Latta, one of the President's secretaries.

Mr. Latta also communicated to the Senate the intelligence that the President had approved and signed the following acts and joint resolution:

On August 6, 1937:

S. 1115. An act to amend section 22 of the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes."

On August 10, 1937:

S. 81. An act to provide retirement annuities for certain former employees of the Panama Canal and the Panama Railroad Co. on the Isthmus of Panama;

S. 184. An act for the relief of Josephine M. Scott;

S. 1278. An act to authorize exchange of lands at military reservations, and for other purposes;

S. 1281. An act to authorize the sale of surplus War Department real property;

S. 2334. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

S. 2399. An act for the relief of R. L. McLachlan; and S. J. Res. 183. Joint resolution consenting to an interstate oil compact to conserve oil and gas.

On August 11, 1937:

S. 972. An act for the relief of Ethel Smith McDaniel;

S. 1453. An act for the relief of Maude P. Gresham and Agnes M. Driscoll; and

S. 2157. An act authorizing credits to disbursing officers for expenses incident to the creation of subsistence home-steads corporations.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 7985. An act to promote air commerce by providing for the enlargement of Washington Airport; and

H. R. 8174. An act to make available to each State which enacted in 1937 an approved unemployment-compensation law a portion of the proceeds from the Federal employers' tax in such State for the year 1936.

### ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 2260) to provide for intervention by the United States, direct appeals to the Supreme Court of the United States, and regulation of the issuance of injunctions, in certain cases involving the constitutionality of acts of Congress, and for other purposes, and it was signed by the Vice President.

### ADOPTION PROCEEDINGS IN THE DISTRICT

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2281) to regulate proceedings in adoption in the District of Columbia.

Mr. KING. I move that the Senate disagree to the amendments of the House, request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. KING, Mr. OVERTON, and Mr. CAPPER conferees on the part of the Senate.

### CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	La Follette	Pope
Andrews	Copeland	Lee	Radcliffe
Ashurst	Davis	Lewis	Reynolds
Austin	Dieterich	Lodge	Schwartz
Barkley	Donahay	Logan	Schwellenbach
Berry	Ellender	Lonergan	Sheppard
Bilbo	Frazier	Lundeen	Shipstead
Black	George	McAdoo	Smathers
Bone	Gerry	McCarran	Smith
Borah	Gillette	McGill	Steiwer
Bridges	Glass	McKellar	Thomas, Okla.
Brown, Mich.	Green	McNary	Thomas, Utah
Brown, N. H.	Guffey	Maloney	Townsend
Bulkeley	Hale	Minton	Tydings
Bulow	Harrison	Moore	Vandenberg
Burke	Hatch	Murray	Van Nuys
Byrd	Herring	Neely	Wagner
Byrnes	Hitchcock	Nye	Walsh
Capper	Holt	O'Mahoney	White
Caraway	Johnson, Calif.	Overtton	
Chavez	Johnson, Colo.	Pepper	
Clark	King	Pittman	

Mr. MINTON. I announce that the Senator from Wisconsin [Mr. DUFFY] and the Senator from Georgia [Mr. RUSSELL] are absent on official duty as members of the committee appointed to attend the dedication of the battle monuments in France.

I further announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Delaware [Mr. HUGHES], the Senator from Missouri [Mr. TRUMAN], and the Senator from Montana [Mr. WHEELER] are necessarily detained from the Senate.